



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
 Disciplinary History Card

Badge	Last Name	First Name	MI	Complainant	Code	Entered Service	ID #
1817	Elizalde	Martina	U			October 10, 1996	1817
#	Date	Case #	Complainant	Allegation	Disposition		
1	October 8, 2000	IA00-293	Baez, Norma & Teresa	Unprofessional Conduct - Disrespect to a Citizen	Written Reprimand		
2	April 2, 2001	CP01-146	Sgt. K. Summers	Negligence - Failure to Appear (Muni Court)	Written Reprimand		
3	October 9, 2002	CP02-355	Sgt. J. Terrazas	Negligence - Failure to Appear (Muni Court)	Written Reprimand		
4	March 12, 2003	CP03-078	Cmdr. P. Cross	Viol of Safety Practices - Preventable Accident (Marked Unit)	Written Reprimand		
5	March 19, 2004	CP04-076	Sgt. R. Menchaca	Unprofessional Conduct - Verbal Abuse	16-Hours Suspension		
8	September 10, 2004	IA04-176	Perella, Perla	Violation of Policies and Procedures	12-Hours Suspension - a/p Settlement		
7	December 9, 2005	CP06-002	Lt. G. Serna	Viol of Safety Practices - Preventable Accident (Marked Unit)	5-Hours Suspension - a/p Settlement		
8	February 18, 2006	CP06-068	Lt. G. Serna	Violation of Policies and Procedures	20-Hours Suspension - a/p Settlement		
9	February 28, 2008	IA08-045	Loera, Crystal	Unprofessional Conduct (while off-duty); and Derel of Duty - Failure to Notify Supervisor	Written Reprimand		
10							
#	Discipline Date	Case #	Complainant	Allegation	Disposition		
1	May 12, 2011	IA10-488	Chief's Office	Viol of Rules/Regs - Rule #14b (Verbal Abuse); and Rule #51 - Major Violation (Conduct Subversive/Racial Slur)	Written Reprimand		
2	March 22, 2012	IA12-100	Chief's Office	Viol of Safety Practices - Preventable Accident (Marked Unit)	Written Reprimand		
3	October 21, 2014	IA14-335	Leyva, Hasabonna	Viol of Rule #27 - Law Enforcement Code of Ethics (Asked about immigration status on civil matter)	10-Hours Suspension - a/p Arbitration		
4	June 24, 2015	IA15-0097	Kihara, Klaus	Unprofessional Conduct	Formal Counseling		
5	January 28, 2016	IA15-0525	Chief's Office	Lost or Misplaced Citizen Property (Wallet & Cellphone)	Formal Counseling		
6	November 8, 2016	IA16-0224	Chief's Office	Unpro Conduct; and Viol of Rule #9 (Conduct Discrediting)	11-Hours Suspension - a/p Settlement		
7	January 17, 2017	IA16-0475	Chief's Office	Viol of Rules/Regs - Rule #51 (Major Violation - Indecent, profane or harsh language while performing official duties)	24-Hours Suspension - a/p Settlement		
8	November 14, 2017	IA17-0231 & IA17-0252	Chief's Office	Dereliction of Duty - Other	Formal Counseling (Combined discipline for both cases)		
9							
10							
11							
12							
13							
14							
15							

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/19 BY: C. 222 TO: D. Nathan

PRELIMINARY INFORMATION DOCUMENT

DOI: 11/14/14

100th Day: 03/12/15

180th Day: 05/13/15

FM2085



Original

EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT

Administrative Case #: IA14-839

Location of Incident Loop 375 East, MP 55, El Paso, Tx 79905		Date of Incident 11/14/2014		Allegation Code	
Complainant Giobel Cata Cruzata		Address 1727 Sammy Davis		Phone (915) 216-6263	
Noted on Supervisor's Log By/Date Sgt. A. Ramirez #1961 / 11/14/15		PID Initiation Approved By/Date Sgt. M. Valles #1833 / 03/05/15			
Employee(s) Involved:	ID #	Division	On Probation?	Type of Probation / Date Probation Ends	
Officer M. Elizalde	1817	MVRCC	No	No	
Officer A. Gutierrez	1247	MVRCC	No	No	
Employee Witness(s):					
Brief Explanation of Events: This Preliminary Information Document is being generated to document that the involved employees are alleged to have violated Department Policy and Procedure, Rules and Regulations, and any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.					
Signatures:					
Supervisor Initiating Report: T. Pena <i>[Signature]</i>		Rank/Position Lieutenant		Date/Time 03/06/15 / 900 hours	
Shift/Section Commander		Recommendation			
Division Commander		Recommendation			
Bureau Commander		Recommendation			
Final Disposition:					
1. All Issues - Both Officers: Not Sustained					
2. <i>[Signature]</i>					
3. 05-05-15					
Signature of Employee		Date/Time			

Callan, Jennifer F

From: Callan, Jennifer F
Sent: Monday, May 11, 2015 2:30 PM
To: Gutierrez, Antonio
Cc: Zarur, Victor; Pacillas, Peter
Subject: IA14-B39: Notice of Disposition

Importance: High

Officer Gutierrez:

This is your formal notice that the above referenced administrative case was reviewed by the Discipline Review Board and a disposition was rendered in the same. Based on the evidence, the disposition is as follows:

Allegation #3a,b (use of force): Not Sustained

Allegation #4 (use of force): Not Sustained

Allegation #5 (unprofessional conduct-other): Not Sustained

Should you have any questions or comments regarding this matter, please feel free to contact me at the number listed below.

Best regards,

Jennifer F. Callan

Director, Professional Accountability
Internal Affairs Division
(915) 212-4997 (direct line)

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Callan, Jennifer F

From: Callan, Jennifer F
Sent: Monday, May 11, 2015 2:29 PM
To: Elizalde, Martina
Cc: Zarur, Victor; Pacillas, Peter
Subject: RE: IA14-839: Notice of Disposition

Also, Allegation #3a, b (use of force): Not Sustained.

From: Callan, Jennifer F
Sent: Monday, May 11, 2015 2:27 PM
To: Elizalde, Martina
Cc: Zarur, Victor; Pacillas, Peter
Subject: IA14-839: Notice of Disposition
Importance: High

Officer Elizalde:

This is your formal notice that the above referenced administrative case was reviewed by the Discipline Review Board and a disposition was rendered in the same. Based on the evidence, the disposition is as follows:

Allegation #1a,b,c (discrimination – race): Not Sustained

Allegation #1d (unprofessional conduct): Not Sustained

Allegation #1e,f (violation of Rule 9 – conduct discrediting): Not Sustained

Allegation #2a,b,c (use of force): Not Sustained

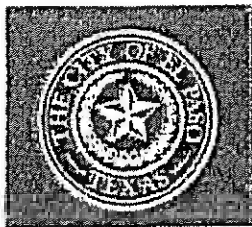
Should you have any questions or comments, please feel free to contact me at the number listed below.

Best regards,

Jennifer F. Callan

Director, Professional Accountability
Internal Affairs Division
(915) 212-4997 (direct line)

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El Paso Police Department

Mayor
Oscar Leoser

May 11, 2015

City Council

Mr. Giobel Cata Cruzeta
1727 Sammy Davis
El Paso, Texas 79936

District 1
Ann Morgan Lilly

District 2
Lerry Romero

RE: Administrative Case #IA14-839

District 3
Emma Acosta

Dear Mr. Cruzeta:

District 4
Carl L. Robinson

The complaint of misconduct against employees of the El Paso Police Department that you filed has been thoroughly investigated by the Internal Affairs Division. The Discipline Review Board has reviewed the entire case and rendered a disposition in the same. Based on the investigation, a finding of misconduct could not be supported by the evidence.

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

Thank you for bringing this matter to our attention. We look to the community for partnership in our continuing efforts to improve the professionalism of the El Paso Police Department. If you should have any further questions or concerns regarding this case, you may call the Internal Affairs Division (212-0157) and speak with a supervisor.

District 7
Lily Limón

District 8
Cortney C. Niland

Sincerely,

City Manager
Tommy Gonzalez

Jennifer F. Callan
Director, Professional Accountability
Internal Affairs Division

Greg Allen – Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

"Delivering Outstanding Services"

PUBLIC RECORDS INFORMATION
ALL INFORMATION IS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722

TO:

D nathan

IA14-839

COMPLAINANT STATEMENT(S)

FM2085

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722 TO: D.nathan



EL PASO POLICE DEPARTMENT
DIVISION DE ASUNTOS INTERNOS
DECLARACION ADMINISTRATIVO - COMPLAINANT

COMPLAINANT: Giobel Cruzata
ADDRESS: 1727 Sammy Davis
PHONE: (915) 216-6263

Esta declaración se da voluntariamente a: Detective David Bazan #2293
de la división de asuntos internos del Departamento de policía de El Paso
POR: Giobel Cruzata
Fecha de nacimiento: [REDACTED]
Domicilio: 1727 Sammy Davis
Telefono: 216-6263
SS#: [REDACTED]
Licencia de conducir: [REDACTED]
Fecha/Tiempo: 11-18-2014/ 1200 hrs.

Mi nombre es Giobel Cruzata y tengo 50 años de edad. Actualmente estoy desempleado. Estoy dando esta declaración voluntariamente al Detective David Bazan #2293. He no han forzado, prometido o amenazados de alguna manera a esta declaración. También entiendo que tergiversación intencional de cualquier hecho en un documento jurado puede sujeto a posibles cargos de perjurio.

Estaba viajando en el bucle 375 con un vehículo que había traído de Juárez que había estado implicado en un accidente en México. Yo estaba teniendo problemas de auto así que me puse las luces de peligro y iba a salir del bucle 375. Me cambie al carril de emergencia para no impedir el tráfico y la policía me detuvo. Mi esposa, que viajaba junto a mí en otro vehículo se detuvo frente a mí al lado. El oficial se acercó a mi vehículo y me pidió mi licencia conducir, y se lo di a ella. ¿Le pregunté al oficial por qué ella me había detenido? Le dije al oficial que yo no hablaba Inglés. También le di al oficial mi seguro y ella lo desmenuzó y me lo tiro y cayó en mi regazo. El oficial me dijo que en tener un CDL que ella sabía que tenía que hablar a Inglés. El oficial me dijo que me saliera del auto y me espera afuera del coche. Le llame al 911 para reportar al oficial sobre cómo ella me trataba y le pedí que enviaran traductor. El oficial intentó tomar el teléfono de mí y me empujó. El oficial fue a su auto y me acerqué a su auto para obtener el número de su coche y para pedir su nombre. La oficial rápidamente salió de su auto e intentó tomar mi teléfono de mí. El oficial comenzó a patearme y me intentó estrangularme agarrando mi chaqueta y forzó mi chaqueta contra mi garganta causando ahogarme. Le dije al oficial que me dolía y ella no me escuchó. El operador seguía diciéndome que pidiera el nombre del oficial y intenté darle el teléfono al oficial pero ella me lo regreso. El oficial pidió ayuda y un oficial masculino llegó que hablaba español. El oficial que hablaba español no quería hablar conmigo. Los dos oficiales me forzaron a la patrulla y me dieron patadas y me empujaban. La oficial mujer rompió mis gafas. Un supervisor llegó y habló conmigo, y me mostró un video en la patrulla, mostrando mi vehículo y por qué me detuvieron. Mientras que el supervisor estaba

hablando conmigo la oficial mujer se acercó y el le dijo que regresar. El supervisor me ayudó a salir de la patrulla, para que le mostrara mis cicatrices de la cirugía. El supervisor tomó fotos de mí. Le mostré dónde estaba golpeado por los oficiales. Los oficiales me soltaron y me fui en mi auto a la estación de policía. Intenté darle el supervisor una declaración de a lo que me había pasado, pero no podía soportar el dolor en mi espalda. El supervisor llamó a una ambulancia y me llevaron al hospital. ¿El detective Bazan me preguntó si no quería firmar la infracción? Cuando el oficial me dio la infracción me estaba gritando y no quería firmarlo, porque no entendía lo que decía, y también por la forma en que ella estaba tratando. El supervisor sargento Ramircz me preguntó si yo quería firmar la infracción y lo hice. Mi principal motivo de queja contra los oficiales es que maltrataban, pateando y empujando me. ¿No se como podría trata a un ser humano otra así? Yo creo que la oficial mujer me discrimino porque no hablaba a Inglés. Somos humanos no perros. Soy un hombre de familia honesto y la oficial utilizo su autoridad para abusar me y me discrimino. El oficial me dijo en Ingles "I nigger fucking to driving license CDA no speak English". Le dije en inglés "I don't speak English. Creo que me llamó ésos nombre para discriminar contra mí.

1. ¿Ha ocultado información que sea relevante para esta investigación?

No

2. ¿Puedes identificar a cualesquiera otras personas que podrían tener información en relación con esta investigación?

Mi esposa Maria Elena Garcia 216-6262

HE LEÍDO LA DECLARACIÓN ANTERIOR Y PARECE SER VERDADERA Y CORRECTA A LO MEJOR DE MI CONOCIMIENTO.



Subscribed and sworn to before me, the undersigned authority, on this 20 day of Nov, 2014.

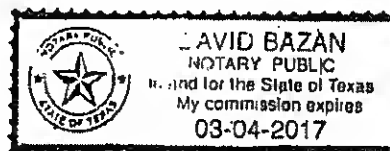


NOTARY PUBLIC STATE OF TEXAS

Witness(s):

1. _____

2. _____



I was traveling in the loop 375 with a vehicle that I had bought in Juarez that had been involved in an accident in Mexico. I was having car problems so I put on the hazard lights and going to exit the loop 375. I moved to the emergency lane so I would not impede traffic and the police stopped me. My wife, who was traveling next to me in another vehicle stopped in front of me on the side. The officer approached my vehicle and asked me for my driver's license, and I gave it to her. I also gave her the insurance to my vehicle and she said something in English and threw the paper back at me. I asked the officer why she had stopped me in Spanish? I told the officer that I do not speak English. The officer told me I had a CDL she knew that I had to speak English. I also gave the officer my insurance and she crumbled it and threw it back at me and it landed on my lap. The officer told me to get out of the car and made me wait outside the car. I called you 911 to report the officer about how she treated me and asked them to send a translator. The officer tried to take the phone from me and pushed me. The officer went to her car and I walked up to her car to get the car number and to ask for her name as 911 instructed me too. The officer quickly stepped out of her car and tried to take my phone away from me. The officer began to kick me and tried to choke me by grabbing my jacket and pulling against it causing me to choke. I told her she was hurting me and she did not listen to me. The operator kept telling me to ask the officer for her name and I tried to give the phone to the officer but she gave it back to me. The officer called for assistance and a male officer arrived who spoke Spanish. The officer who spoke Spanish did not want to speak with me. Both officers forced me into the patrol car by kicking me and pushing me. The male officer placed his foot on my back pushing me into the patrol car. The women officer broke my sunglasses. A supervisor arrived and spoke with me, and he showed me a video in officers patrol car showing my vehicle and why she stopped me. While the supervisor was talking with me the women officer approached and he told her to get back. The supervisor helped me out of the vehicle, so I could show him my surgery scars. The supervisor took pictures of me. I showed him where I was beat up by the officers. The officers released me and I left in my car to the police station. I tried to give the supervisor a statement as to what had happened to me, but I could not take the pain to my back. The supervisor called for an ambulance and they took me to the hospital. Detective Bazan asked me if I did not want to sign the citation? When the officer gave me the ticket she was screaming at me and I did not want to sign it, because I didn't understand what she was saying, and also because of the way she was treating me. The supervisor Sgt. Ramirez asked me if I wanted to sign the ticket and I did. My main complaint against the officers is that they mistreated me, by kicking and pushing me. How could they treat another human being like that? I believe the women officer discriminated against me because I did not speak English. We are human beings not dogs. I'm an honest family man and used her authority to abuse me and discriminate me. The officer told me in English "I nigger fucking to driving license CDA no speak English" I told her in English "I don't speak English. I believe she called me those name to discriminate against me.

LA14-839

CIVILIAN WITNESS STATEMENT(S)

FM2085

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722 TO: D nathan



**EL PASO POLICE DEPARTMENT
DIVISION DE ASUNTOS INTERNOS
DECLARACION ADMINISTRATIVO - TESTIGO**

COMPLAINANT: Giobel Cruzata
ADDRESS: 1727 Sammy Davis
PHONE: (915) 216-6263

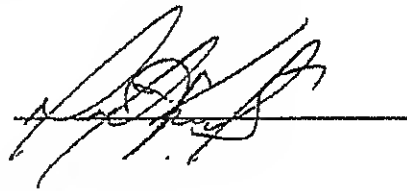
Esta declaración se da voluntariamente a: Detective David Bazan #2293
de la división de asuntos internos del Departamento de policía de El Paso
POR: Maria Elena Garcia
Fecha de nacimiento: [REDACTED]
Domicilio: 1727 Sammy Davis
Telefono: 216-6262
SS#: [REDACTED]
Licencia de conducir: [REDACTED]
Fecha/Tiempo: 11-20-2014/ 1341 hrs.

Mi nombre es Maria Elena Garcia y tengo 48 años de edad. Estoy dando esta declaración voluntariamente al Detective David Bazan #2293. He no han forzado, prometido o amenazados de alguna manera a esta declaración. También entiendo que tergiversación intencional de cualquier hecho en un documento jurado puede sujeto a posibles cargos de perjurio. Mi esposo y yo íbamos viajando del centro en bucle 375. Iva tres autos detrás de mi marido y yo vi una patrulla detrás del auto de mi esposo. Mi esposo tiene las luces de peligro en su vehículo y la policía lo detuvo. Dejé mi coche delante de mi marido y a la policía. Baje y camine hasta el auto de mi esposo, pero no quiso acercarse demasiado. Vi el oficial que llevo a mi marido de su auto y lo hizo esperar fuera del vehículo. Lo siguiente que veo era el oficial femenino agarrando a mi marido y lanzándolo contra la patrulla tratando de meterlo en el coche patrulla. Otro oficial llegó para ayudar a la oficial mujer y los dos estaban tirando a mi marido en el coche patrulla. El oficial masculino había empujado incluso mi esposo con su pie en el coche patrulla. Doblaron su cuerpo para obligarlo a la patrulla. Me metí en mi auto y conduje alrededor para ponerme detrás de la policía para averiguar lo que estaba pasando con mi esposo. Me acerqué con los oficiales y les pregunte por qué habían golpeado mi marido. Los oficiales parecían nerviosos y un oficial llamado Ramírez hablo conmigo y me dijo que todo fue un malentendido. Dije que quería ver a mi marido para ver que no había hecho daño. Oficial Gutierrez me dijo que me fuerra para no causar un accidente, luego liberaron a mi marido y nos fuimos a la estación de policía. Hablé con mi marido en el teléfono mientras que en el camino a la estación de policía y dijo que el cuello y detrás estaban haciendo daño.

1. ¿Ha ocultado información que sea relevante para esta investigación? No.

2. ¿Puedes identificar a cualesquiera otras personas que podrían tener información en relación con esta investigación? No.

HE LEÍDO LA DECLARACIÓN ANTERIOR Y PARECE SER VERDADERA Y CORRECTA A LO MEJOR DE MI CONOCIMIENTO.



Subscribed and sworn to before me, the undersigned authority, on this 20 day of Nov, 2014.

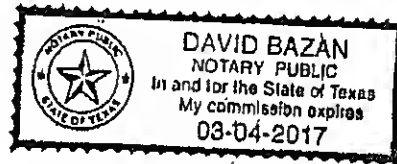


NOTARY PUBLIC STATE OF TEXAS

Witness(s):

1. _____

2. _____



My husband and I were leaving downtown traveling on loop 375. I was about three cars behind my husband and I saw a police car behind my husband's car. My husband has the hazard lights on his vehicle and the police stopped him. I stopped my car in front of my husband and the police. I got off and walked to my husband's car but did not want to get too close. I saw the officer took my husband out of his car and made him wait outside of the vehicle. The next thing I see was the female officer grabbing my husband and throwing him against the patrol car trying to get him into the patrol car. Another officer arrived to help the women officer and both of them were throwing my husband into the patrol car. The male officer even pushed my husband with his foot into the patrol car. They folded his body to force him into the patrol car. I got into my car and drove around to get behind the police to find out what was going on with my husband. I approached both officers and asked them why they had hit my husband. Both officers seemed nervous and an officer named Ramirez came to talk to me and told me that it was a misunderstanding. I told Officer Ramirez that I wanted to see my husband to see that they had not hurt him. Officer Ramirez told me to get back so I would not cause an accident, then they released my husband and we went to the police station. I talked with my husband on the phone while on the way to the police station and he said his neck and back were hurting.

IA14-839

WITNESS EMPLOYEE STATEMENT(S)

FM2085

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DATE:12/07/18 BY: C1722 TO: D nathan



**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Giobel Cata Cruzata
ADDRESS: 1727 Sammy Davis, El Paso, Tx 79936

This statement is given to: Detective Francisco Marquez #2085
of the El Paso Police Department Internal Affairs Division
by: Sergeant Arturo Ramirez #1961
Date & Time: 03/08/2015 @1330 hours

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Sergeant Arturo Ramirez #1961 and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 07/31/1998. I am currently assigned to the Mission Valley Regional Command as a Dayshift Supervisor. I have been ordered to give an Administrative Witness Statement to Detective F. Marquez #2085 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Sergeant Arturo Ramirez #1961 am under a direct order to disclose any and all information about the case I am being questioned.

1. On November 14, 2014, you responded to assist, Unit 2T781, Officer M. Elizalde #1817 on a traffic stop at the location of loop 375 East/ Fonseca Exit. You met with the complainant at the scene and later obtained a complainant statement and recorded interview at the MVRCC. You generated the attached Internal Investigation Report, documenting the incident and complaint? Is this accurate? and do you stand by the facts as written on the Internal Investigation report? If not explain what facts you don't stand by and explain why?

Page 1 of 2

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DATE: 12/07/18 BY: C1722

TO:

D nathan

I stand by the facts as written on my Internal Investigative report (Blue Team) dated 11/14/2014.

2. Based on the interaction you had with the complainant, did the complainant understand the English language? If yes please explain and/or use example as to why you believe he did?

When I arrived on scene I asked the complainant what happened. He replied to me in Spanish about what had happened. Since he was talking to me in Spanish, I continued talking to him in Spanish. Once back at the MVRC, the interview continued in Spanish. The question posed is based on my interaction with the complainant, if he understood the English language? I can't say for sure since I spoke to him in Spanish.

3. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

I do not have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation

4. Please identify any other persons who might have information relative to this investigation?

Officers Elizalde and Gutierrez

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DET. F. MARQUEZ #2085 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING

[Signature] #14161

Subscribed and sworn to before me, the undersigned authority, on this 8 day of MARCH, 2015.





EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM

Arturo Ramirez #1961
Name ID #

Sergeant
Rank

MVRCC
Assignment

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA14-839

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and /or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials AR

Confidentiality Order

You are being given a Direct Order by Jennifer Callan, of the Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with ANYONE other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants.

will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials AR

AR #1961
Officer's Signature

J. V. Velazquez 2166
Witness Signature

03-08-2015 1430 hrs
Date/Time

03-08-2015 1430 HRS
Date/Time

EPPD 36-22-052 Rev. 03/06

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE 12/07/18 BY: C1722

TO:

D nathan



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Giobel Cruzata
ADDRESS: 1727 Sammy Davis

This statement is given to: Detective Francisco Marquez #2085
of the El Paso Police Department Internal Affairs Division
by: Officer Martina Elizalde #1817
Date & Time: 03/10/15 / 1100 hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Officer Martina Elizalde #1817, and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10/11/1996. I am currently assigned to the Mission Valley Regional Command/ Day shift. I have been ordered to give an Administrative Statement to Detective Francisco Marquez #2085 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Officer Martina Elizalde #1817, am under a direct order to disclose any and all information about the case I am being questioned.

FM2085

Page 1 of 7

PUBLIC RECORDS INFORMATION
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 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722 TO: D nathan

Officer M. Elizalde requested an Association Representative be present during the interview. Detective R. Rodriguez #1289, in his capacity as an Association representative was present at all relevant times during the recorded interview of Officer Elizalde in administrative case IA14-839.

1. There is an MVR (Mobile Video Recording) showing the events at issue in this administrative complaint case. Were you given the opportunity to review that video before answering the questions below?

Yes.

2. On the date of 11/14/2014 at approximately 17:19 hours, you conducted a traffic stop at the Border Highway/Fonseca with the complainant Giobel Cruzato (driver). Please provide a detail sequence of events as to what occurred at the stop and the interaction you had with the complainant and explain all your actions from the initial stop to the ending disposition of the stop?

On the listed date of about 17:15 hrs, I was eastbound at Loop 375 coming from downtown back to the valley. I saw the complainant drive a newer model Cadillac SUV in the left lane on Loop 375 EB at about 60 mph with his emergency flashers on. After passing a few cars on the right, the complainant changed lanes into the right lane without signaling the lane change. I conducted a traffic stop. When I walked up to the complainant, he had the window rolled down and I informed him that the reason I pulled him over was that he could not drive with his emergency flashers on. Immediately the complainant told me (in Spanish) that he had to have them on because his car was wrecked and he pointed toward the passenger side. I saw that the front passenger window appeared to be missing and a small side-impact airbag was hanging out (appeared to be old damage – not something that happened earlier that day). I told the complainant that that was no reason to drive with the flashers. The complainant kept arguing with me about his car being wrecked and that he had reason to use the flashers. The complainant responded in Spanish to everything I told him in English, which led me to believe that he understood everything I told him. After he tried to tell me his reasons for driving with the flashers on and I did not agree with him, and instead asked him for his driver's license and insurance, the complainant asked me if I spoke Spanish. I told him I did not. The complainant then told me that he wanted a Spanish-speaking Officer and I replied that this was not going to happen. The complainant was so busy arguing with me about the traffic stop that I had to ask about five times before the complainant handed me his driver's license and several more times before he gave me his insurance. When I saw that the complainant had a commercial driver's license (interstate), I pointed out to him that being the holder of such a license tells me that he knows enough English for any traffic stops. However, that was redundant as I already knew that the complainant understood everything I said as he responded to everything I told him.

After the complainant gave me his license, he got out of the car to look for insurance. He finally handed me a paper but I gave it back to him because it was

not the insurance document. After going through a lot of paperwork, the complainant eventually found his insurance. I believe the complainant was already talking on the phone to someone at this time.

After I received the DL and insurance, went to the passenger side of my car and put the documents on the seat, opened the trunk and took out my camera. I then walked to the side of the complainant's car and took several pictures of the damage in order to attach them to the ticket because I had a feeling that the complainant was going to take the citation to court and I wanted the judge to see that the damage had no impact on the vehicle's drivability. After I took the pictures, I sat in my police car to check the complainant and his car through Channel One and to write him a ticket for not using his turn signal to change lanes. It took a while for Channel One as they were busy and all the time I was watching the complainant as he walked around his vehicle, pacing back and forth, talking on his phone and finally walk up next to my police car (near the right front fender but several feet off toward the side), still on the phone.

When I finished writing the ticket, I got out and walked up to the complainant and handed him back his insurance. The complainant kept shoving his phone toward me, telling me to talk to whomever he was talking to. He ignored me asking him for his telephone number or whether or not he worked (to obtain a work address for the ticket). I filled out the blanks as "refused". After the complainant kept insisting that I talk to whomever he had on the other end of the line, I took his phone and found out that the complainant was talking to a 9-1-1 call taker. I think the call taker asked me if I was ok and I told him I was and that the complainant just keeps arguing with me and not cooperating. Shortly after I handed the phone back to the complainant, he hung up. I then tried to tell him that he was receiving a ticket for not using his turn signal to change lanes and to sign by the "x". The complainant kept arguing that he should not get a ticket and refused to sign, even after he was asked several times and then informed several times that if he did not sign, he would get arrested. Finally when the complainant still did not sign the ticket, I took the complainant by his left upper arm and escorted him the short distance to the right rear passenger door of my unit. I opened the door, motioned to it and told the complainant to have a seat. The complainant turned his back to the open door and refused to get inside. With my right hand I took a hold of the complainant's shirt at chest level and as soon as I did that, the complainant started pushing against me. However, I held my ground and kept the complainant from pushing away from the open door by holding onto his shirt with my right hand, all the while telling him to get in the car and to have a seat in my car. With the left hand I took my radio from the belt and called for another unit ASAP and a supervisor. The dispatcher cleared the air and I kept holding the complainant at the open door with one hand. The complainant started making a big scene as if I was getting beaten and was on the phone again, presumably with 9-1-1 the second time. I just kept repeating for the complainant to have a seat in my car and held him one-handed at the open door of my car (his back was still to the open door and he could have sat inside any time instead of pushing against me). After a while, the complainant began recording me with his cell phone and when he tried to shove the phone right into my face, I blocked him with my left hand and kept his hand from coming up towards my face again.

When Officer Gutierrez arrived, he was in the westbound lanes of Loop 375 and had to jump over the median and dodge traffic. As soon as Officer Gutierrez ran up to us, he told the complainant (in Spanish) to get into the car. I believe Officer Gutierrez told him twice and when the complainant still refused, we both pushed the complainant into the back seat with open hands and closed the door. Within a minute or so, Sgt. Ramirez arrived and spoke to the complainant who signed the ticket. Sgt. Ramirez handed me my ticket book and the complainant exited the back seat, now allegedly barely able to walk. The complainant showed Sgt. Ramirez an old scar on his back and then limped to his car and drove off. I believe just as the complainant was getting into his car, his wife arrived and parked behind the police cars but I did not talk to her and she left.

3. What verbal direction did you give the complainant at the time of your initial contact with him?

I informed the complainant about why I pulled him over and asked for his D/L and insurance.

4. Did the complainant advise you that he did not understand nor speak the English language? If so what was your reply if any and what actions did you take.

The complainant never told me he did not understand or speak English. I know that complainant understood everything I said as he argued in Spanish about everything I told him. And even though my Spanish is more-or-less limited to traffic stops, I do understand more than I speak and understood the complainant most of the time. Also see question #5 – if the complainant did not understand English, how did he understand me telling him that I know he speaks and understands English because of his CDL?

5. Did you ever tell the complainant that you knew he spoke English because he had a Commercial Driver's License? If so please explain why you had that understanding?

Yes, I did. I found that out a long time ago from DPS because years ago there were supposedly issues with law enforcement who do traffic stops and/or DOT inspections in remote sections of the US having problems with CDL holders who did not speak English (and there was no Spanish-speaking Officer anywhere close).

6. What was the Complainant's demeanor?

Argumentative the entire time.

7. Did you speak with any other person at the scene? If so who and/or what was said?

No. There was no one else at the scene and I kept looking around, especially after I was holding the complainant at the door. I did not want to get surprised by a citizen who may stop by to "help".

8. Did you ever crumble and throw a paper at the complainant? If so please explain.

No. the only papers I've had were his insurance and driver's license and the video showed me taking the insurance while we were at the driver's side of the complainant's car and me giving back the insurance while we were standing on the right side of my police car. Sgt. Ramirez gave the complainant back his driver's license and the copies of his ticket.

9. Did you ever attempt to take the complainant's phone from him? If so please explain.

No. The only time I interfered with the complainant and his phone was when I was holding onto him and he started recording me and trying to shove the phone right into my face. And then I only pushed his hand down and kept him from bringing it back up to my face.

10. Did you use any force against the Complainant Cruzata? If so explain what force was used and why?

I took the complainant by the front of his shirt with my right hand at chest level to keep him from pushing away from the open door of my police unit after he refused to sign the ticket.

11. Did you force the complainant into the patrol car by kicking and pushing him? If so please explain.

No. If I wanted the complainant in the back of my police car I would not have any trouble doing so. BUT BECAUSE THE COMPLAINANT WAS NOT ACTIVELY FIGHTING WITH ME, I OPTED TO USE A LOT LESS FORCE BY JUST HOLDING HIM AT THE OPEN DOOR OF MY POLICE CAR AND WAITING FOR ANOTHER OFFICER TO ARRIVE IN ORDER TO HAVE TO USE THE LEAST AMOUNT OF FORCE NECESSARY. AND DURING ALL THIS TIME, THE COMPLAINANT HAD THE OPTION TO SIT IN THE BACK SEAT AND NOT PUSH AGAINST ME.

12. Did you observe Officer Gutierrez place his foot on the complainant's back and push the complainant into the patrol car? If so please explain your observations.

No. When Officer Gutierrez arrived, he told the complainant once or twice to get in the back seat and when he did not we both pushed the complainant into the police car and closed the door.

13. Did you ever grab the complainant by his jacket causing him to choke? If so please explain.

No. I kept holding him by his shirt near the middle of his breast bone.

14. Did you ever kick or push the complainant at any time? If so please explain.
No. I only held the complainant one-handed (right hand) at the open rear door of my police car and then pushed him, along with Officer Gutierrez, into the back seat when he still would not comply.

15. Did you break the complainant's sunglasses? If so please explain.

No. I do not remember the complainant having sunglasses.

16. It is shown on the MVR, which you were given the opportunity to review, that you appeared to be taking photographs of the complainant's vehicle, were you taking photos of the complainant's vehicle and if so explain for what purpose?

As argumentative as the complainant was about the traffic stop, and having a CDL and getting a hazardous ticket (F/T signal lane change), I was certain that the complainant was going to fight the ticket in court. So I took some pictures of the damage to attach to the ticket so I could show in court that the damage, along with the complainant's ability to travel at 60 mph, did not warrant driving with emergency flashers

17. It is shown on the MVR, which you were given the opportunity to review, that the complainant appeared to remain outside the vehicle while you had returned back to the patrol car, Do you normally allow drivers on traffic stops to get out and remain out of the vehicle during the traffic stop? If so please explain.

A "normal" traffic stop has the driver/passenger remain in the vehicle. And most people know that and don't bother getting out and if they do to get to their insurance or driver's license (like in a purse in the trunk), they get right back into the car. However, depending on the circumstances and the dynamics of the traffic stop, that sometimes changes. My reasoning during this particular traffic stop not to tell the complainant to get back in his car was: I did not "feel" the complainant to be a threat to me. And it was obvious from his behavior that he did not agree with the traffic stop nor did he care for getting a ticket by me. It was a lot easier to just watch him pace around outside and talking on the phone than it was to agitate him further by insisting he get back into his car and wait. Now if at any time the dynamics of this encounter had changed, I would have acted accordingly.

18. Do you feel that you discriminated against the complainant because he did not speak the English language or for any other reason?

No. The complainant understood everything I said and it was a legit traffic stop conducted before the complainant alleged he did not speak/understand English.

19. It was later found that the MVR portable microphone was in-operative, did you check the operation of the microphone prior to going out on the field? If so was it reported or documented (griped) and if not please explain why not?

I did not have time to check the microphone prior to going out into the field as I had an appointment with the CLEAT Attorney at 3 pm. There was enough time to get the equipment, check the car (back seat for contraband, properly inflated tires, etc...) before leaving the station. It should be noted that the MVRC has maybe three microphones that may or may not be working with each and every car and that is for the entire station. So chances were that even if I did have the time to check and the microphone was not working, there would not have been one available until the day shift turned in all their equipment.

20. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

No.

21. Please identify any other persons who might have information relative to this investigation?

None.

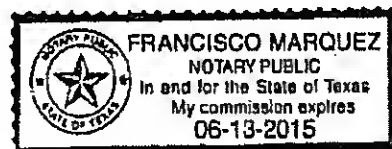
Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. Detective Francisco Marquez #2085 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

[Signature]

Subscribed and sworn to before me, the undersigned authority, on this 10th day of March, 2015.

[Signature]
NOTARY PUBLIC STATE OF TEXAS





**EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM**

Martina Elizalde #1817

Officer

MVRCC

Name ID #

Rank

Assignment

This will serve as notification to you that a complaint has been forwarded to: Internal Affairs Division; IA14-839

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:

- El Paso Police Department Policies and Procedures and/or Rules and Regulations; Use of Force
- El Paso Police Department Policies and Procedures and/or Rules and Regulations; Unprofessional Conduct.
- El Paso Police Department Rules and Regulations; Rule 27; Adhere to Code of Ethics.
- City of El Paso Civil Service Rule 8 *et seq.*
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and/or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials ME

Confidentiality Order

You are being given a Direct Order by Jennifer Collon of the Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective Francisco Morquez #2085 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials ME

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

Officer's Signature [Signature]

03/10/2015 0955 hrs
Date/Time

Witness Signature [Signature]

3-10-15 9:55 hrs
Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722

TO:

D nathan



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN**

AFFECTED EMPLOYEE(S): Officer Martina Elizalde #1817

FROM: INTERNAL AFFAIRS DIVISION: Detective Francisco Marquez #2085

SUBJECT: First Notice to Employee reference IA14-839

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s).

Initials

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.

Initials

Jennifer F. Callan
Director of Professional Responsibility

Affected Employee:

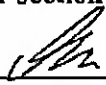
Date/Time: 03/10/2015 09:54 AM

Witness:

3-10-15 09:56

**El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement**

I, Martina Elizalde #1817, am requesting a copy of my sworn statement which was provided to Internal Affairs on 03/10/2015. Please consider this as my open records request per section 552 Texas Government Code.



Officer Signature

The fees associated with this request have been waived by the Chief's discretion.



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor

This statement is given to: Detective Francisco Marquez #2085
of the El Paso Police Department Internal Affairs Division
by: Officer Martina Elizalde #1817
Date & Time: 04/24/15 / 0915 hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Officer Martina Elizalde #1817, and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10/11/1996. I am currently assigned to the Mission Valley Regional Command/ Day shift. I have been ordered to give an Administrative Statement to Detective Francisco Marquez #2085 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Officer Martina Elizalde #1817; am under a direct order to disclose any and all information about the case I am being questioned.

FM2085

Page 1 of 3

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 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722

TO:

D nathan

Officer M. Elizalde requested an Association Representative be present during the interview. Detective R. Rodriguez #1289, in his capacity as an Association representative was present at all relevant times during the recorded interview of Officer Elizalde in administrative case IA14-839.

1. On the date of 03/10/2015 you provided an administrative sworn statement to Detective F. Marquez #2085 regarding this case complaint IA14-839. Being shown the signed copy of that statement do you stand by the statement? If not please explain what and why?

Yes, I stand by my statement I provided on 03/10/2015.

2. On the date of 11/14/2014 at approximately 17:19 hours, you conducted a traffic stop at the Border Highway/Fonseca with the complainant Giohel Cruzata (driver). In your contact with the complainant did you ever scream at him (the complainant) to sign the ticket? If so please explain why and what exactly was said?

No. I never raised my voice beyond the level to be heard over the passing traffic on Cesar Chavez Highway. I asked the complainant several times to sign the ticket and pointed to the "x" where his signature goes. When he refused I advised him that he would get arrested if he did not sign.

3. On the date of 11/14/2014 at approximately 17:19 hours, you conducted a traffic stop at the Border Highway/Fonseca with the complainant Giohel Cruzata (driver). In your contact with the complainant did you ever make a statement towards the complainant, something to the affect of; "I nigger fucking to driving license CDA no speak English". If so please explain what exactly was said and why?

No, I never told him anything like that. When the complainant handed me his driver's license and I saw that it was a TX CDL, I pointed to his license and informed the complainant that having a CDL tells me that he should understand enough English for a traffic stop. However, I already knew by then that the complainant understood English as he argued with me from the start about everything I would tell him -- from the reason I pull him over to telling him that just because his vehicle was in wreck is not enough reason to drive down the street with his emergency blinkers (the vehicle being drivable).

4. On your original statement you were asked if you had checked the operation of the MVR microphone prior to going out on the field and if so was it reported or documented (gripped) and if not please explain why not (see question #19 on initial statement). You answered as to the reason why you did not check the operation of the microphone, however no mention was made as to reporting or documenting it. Did you document the microphone not working on your log sheet and or on a gripe form, even after finding out that the audio on the MVR video footage from this incident had not recorded audio? If not please explain why?

No, I did not document whether or not the microphone was working because prior to this traffic stop I did not know if it did or not. Shortly after this

traffic stop I was called into the station on a B2 and put on the desk. I believe I was told by the Sergeant that there was no audio on the playback and it may have been at the scene when he looked at the video. At the station, I gave the microphone to the desk officer and told him it was not working, which is a usual practice as the desk officer sets aside the equipment and makes a notation for the station manager.

5. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

No

6. Please identify any other persons who might have information relative to this investigation?

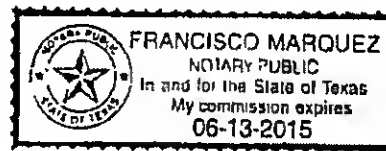
Only the previously mentioned persons who assisted me.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. Detective Francisco Marquez #2085 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Subscribed and sworn to before me, the undersigned authority, on this 24th day of April, 2015.


NOTARY PUBLIC STATE OF TEXAS



**El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement**

I, Officer Martina Elizalde #1817, am requesting a copy of my sworn statement which was provided to Internal Affairs on 04/24/2015. Please consider this as my open records request per section 552 Texas Government Code.



Officer Signature

The fees associated with this request have been waived by the Chief's discretion.



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Giobel Cruzata

This statement is given to: Detective Francisco Marquez #2085
of the El Paso Police Department Internal Affairs Division
by: Officer Antonio Gutierrez #1247
Date & Time: 03/06/15 / 1030 hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Officer Antonio Gutierrez #1247, and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10/21/1988. I am currently assigned to the Mission Valley Regional Command/ Day shift. I have been ordered to give an Administrative Statement to Detective Francisco Marquez #2085 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Officer Antonio Gutierrez #1247, am under a direct order to disclose any and all information about the case I am being questioned.

Officer A. Gutierrez voluntarily opted not to have an Association representative present during the interview in administrative case IA14-839.

FM2085

Page 1 of 4

1. There is an MVR of Officer Elizalde's unit showing the events at issue in this administrative case. Were you given the opportunity to review that video before answering the questions below?

Yes, I was given the opportunity and I did review it.

2. On the date of 11/14/2014 at approximately 17:30 hours, it was noted on your log sheet that you assisted unit 2T781, Officer M. Elizalde #1817 on a traffic stop at Border Highway/Fonseca with the complainant Giohel Cruzata. Please provide a detail sequence of events as to your observation upon arrival and explain your actions as to how you assisted?

I was driving on Delta back to the 80s when I heard Off. Elizalde ask for another unit to back her up during a traffic stop. Off. Elizalde sounded in distress and I could tell by her voice she was in some kind of trouble. Another unit started her way, then I put myself in route also. I got on Border Highway from Fonseca and headed west on the highway. A short distance from there, I was able to see the flashing lights from the patrol car. I did not know in what kind of trouble Elizalde was, so I stopped on the far left emergency lane of Border Highway west. I ran across the eastbound lanes and ran toward the patrol car. I saw a white, large SUV parked in front of the marked unit, but I could not see Elizalde at first. I then saw her and the subject standing next to the patrol car. They were on the left side of the car, next to the rear right door. Off. Elizalde was right in front of the subject, and he was backed up against the patrol car. It seemed like she was keeping him from leaving and she was trying to grab his arms, but he kept moving. I approached both of them and could see Off. Elizalde was trying to grab the subject by his arms. The subject had his arms up against his chest and I could tell he was resisting. The subject looked like a hispanic male, maybe in his mid 50s or so. As I got closer, I asked off. Elizalde if she was 10-15 and she said yes. All this time, the subject was screaming to let him go, that he hadn't done anything wrong. I believe most of his screaming was in spanish, so I started to speak spanish to him. I remember telling him in spanish to calm down and get inside the car. Even while I was talking to him, he kept resisting off. Elizalde. I was afraid that if she let go of him, he may take a swing at her or at me. I remember opening the rear right door to the patrol car so we could get him inside the car. At that point, my first thought was to just get him inside the car. I figured we could handcuff him later. Once I opened the door, we were able to slide him toward the door. Then I was able to push him inside the car. Once he was inside the car, he put his legs inside by himself and then I closed the door.

3. Upon your arrival did you speak with Officer Elizalde regarding the stop and/or the complainant? Please explain what was said?

When I first got there, I did not ask off. Elizalde about the stop since the subject was physically resisting and he was being held by off. Elizalde, I thought the first thing to do was to control him physically before he was hurt or he hurt one of us.

4. Did you or did you observe any officer use any force against the Complainant Cruzata? If so who and/or explain what force was used and why?

As for myself, yes, I had to push him into the car because he was resisting and would not obey off. Elizalde's commands, nor mine. I used minimal force to push him into the car. The only force I would have to say I observed Off Elizalde use was when I first arrived and had seen her grabbing the male subject's arms with her hands which the subject had tightly up to his chest area.

5. Did you or did you observe any officer force the complainant into the patrol car by kicking and pushing him? If so who and/or please explain.

By pushing him yes, but not by kicking him. Nobody kicked him at anytime that I was at the scene.

6. Did you place your foot on the complainant's back and push the complainant into the patrol car? If so please explain.

No I did not. The way he was facing me and off. Elizalde, there was no way I could have touched his back. I could only see his front.

7. What was the Complainant's demeanor?

From the very beginning that I got there, he was very uncooperative and physically active against the officers.

8. Did you speak with the complainant at any time? If so what was said?

Only to give him commands to get inside the patrol car. The first time or so it was more a matter of a question to please get inside the car. After that, it was not a question, but a direct order for him to get inside the car. He refused all the time I was talking to him.

9. Did you speak with any other person at the scene? If so who and/or what was said?

No. No other person was at the scene.

10. Did you ever observe Officer Elizalde crumple and throw a paper at the complainant? If so please explain your observations.

No, I did not see off. Elizalde throw a paper at the complainant.

11. Did you ever observe Officer Elizalde attempt to take the complainant's phone from him? If so please explain your observations.

No. I did not see off. Elizalde attempt to take the complainant's phone.

12. Did you ever observe Officer Elizalde grab the complainant by his jacket causing him to choke? If so please explain your observations.

No. At no time did I see off. Elizalde grab complainant by his jacket and attempt to choke him.

13. Did you ever observe Officer Elizalde kick or push the complainant at any time? If so please explain your observations.

I did not see off. Elizalde kick the complainant at any time. I did, however, see her push him. The pushing was done in an attempt to get him inside the patrol car. The pushing was very minimal.

14. Did you ever observe Officer Elizalde break the complainant's sunglasses? If so please explain your observations.

No. I did not see off. Elizalde break the complainant's sunglasses.

15. Did you hear Officer Elizalde ever tell the complainant that she knew he spoke English because he had a Commercial Driver's License? If so please explain the dialogue you heard.

No. I did not hear off. Elizalde tell the complainant that. The only conversation I heard was off. Elizalde telling the complainant to stop resisting and to calm down.

16. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

No, I don't recall any other information is is relevant to this case.

17. Please identify any other persons who might have information relative to this investigation?

The only people I recall at the scene were: Off. Elizalde, Sgt. A. Ramirez, the complainant, and myself.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

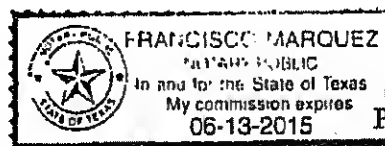
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. Detective Francisco Marquez #2085 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Antonio Gutierrez 1247

Subscribed and sworn to before me, the undersigned authority, on this 6th day of March, 2015.

Francisco Marquez 2085
NOTARY PUBLIC STATE OF TEXAS

FM2085



Page 4 of 4



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN**

AFFECTED EMPLOYEE(S): Officer Antonio Gutierrez #1247

FROM: INTERNAL AFFAIRS DIVISION: Detective Francisco Marquez #2085

SUBJECT: First Notice to Employee reference IA14-839

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s).

AG
Initials

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.

AG
Initials

**Jennifer F. Callan
Director of Professional Responsibility**

Affected Employee: Antonio Gutierrez #1247
Witness: Francisco Marquez

Date/Time: 3-6-15 / 0917 hrs.
3-6-15 / 0917 hrs



EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM

Antonio Gutierrez #1247	Officer	MVRCC
Name ID #	Rank	Assignment

This will serve as notification to you that a complaint has been forwarded to: Internal Affairs Division; IA14-839

You are being questioned as part of an Official Administrative investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:

- El Paso Police Department Policies and Procedures and/or Rules and Regulations; Use of Force
- City of El Paso Civil Service Rule 15 *et seq.*
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and/or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials AG

Confidentiality Order

You are being given a Direct Order by Jennifer Callan of the Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective Francisco Marquez #2085 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials AG

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

Antonio Gutierrez #1247
Officer's Signature

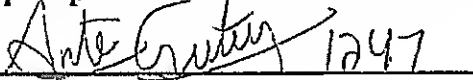
Francisco Marquez #2085
Witness Signature

3-6-15 / 0915 hrs.
Date/Time

3-6-15 / 9:15 hrs.
Date/Time

**El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement**

I, Antonio Gutierrez #1247, am requesting a copy of my sworn statement which was provided to Internal Affairs on 03/06/2015. Please consider this as my open records request per section 552 Texas Government Code.



Officer Signature

The fees associated with this request have been waived by the Chief's discretion.



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Giobel Cruzata

This statement is given to: Detective Francisco Marquez #2085
of the El Paso Police Department Internal Affairs Division
by: Officer Antonio Gutierrez #1247
Date & Time: 04/28/15 / 0900 hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Officer Antonio Gutierrez #1247, and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10/21/1988. I am currently assigned to the Mission Valley Regional Command/ Day shift. I have been ordered to give an Administrative Statement to Detective Francisco Marquez #2085 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Officer Antonio Gutierrez #1247, am under a direct order to disclose any and all information about the case I am being questioned.

Officer A. Gutierrez voluntarily opted not to have an Association representative present during the interview in administrative case IA14-839.

FM2085

Page 1 of 2

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 2/07/18 BY: C1722

TO:

D nathan

1. On the date of 03/06/2015 you provided an administrative sworn statement to Detective F. Marquez #2085 regarding this case complaint IA14-839. Being shown the signed copy of that statement do you stand by the statement? If not please explain what and why?
Yes, that is my statement from 3-6-15. Yes, I stand by the statement I gave that day.

2. On the date of 11/14/2014 at approximately 17:19 hours, you assisted Officer M. Elizalde #1817 working as unit 2T781 reference a traffic stop at the Border Highway/Fonseea with the complainant, Giobel Cruzata. During the times you were present with Officer Elizalde and the complainant, did you ever hear Officer Elizalde make any statement towards the complainant, anything and/or any words to the effect of; "I nigger fucking to driving license CDA no speak English". If so please explain what exactly you heard said?

I did not hear Off. Elizalde make any derogatory statement(s) toward the complainant during the time I was present. I do remember that when I first got to the scene, I was speaking English to the complainant. Giving him instructions to get in the car, to stop struggling, and so on. Off. Elizalde told me that he did not speak English. At that point I started to speak Spanish to the complainant and gave him verbal commands in Spanish. I am very fluent in Spanish and the complainant should have understood everything I said.

3. Did you ever hear Officer Elizalde say anything inappropriate and/or unprofessional to and/towards the complainant? If so what?

During the time I was there, I did not hear Off. Elizalde say anything inappropriate toward the complainant. I did not hear her cuss, or say something derogatory.

4. Do you have any other information to add that may not have been covered by any questions during the Interview that is relevant or important to this investigation?

No, I don't have any other information that is relevant to this case.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

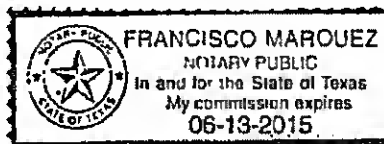
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE F. MARQUEZ #2085 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

A. Guitierrez 1247

Subscribed and sworn to before me, the undersigned authority, on this 28th day of April, 2015.

Francisco Marquez
NOTARY PUBLIC STATE OF TEXAS

FM2085



Page 2 of 2

PUBLIC RECORDS INFORMATION
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HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

**El Paso Police Department
Internal Affairs Division
Open Record Request-Copy of Statement**

I, Officer Antonio Gutierrez #1247, am requesting a copy of my sworn statement which was provided to Internal Affairs on 04/28/2015. Please consider this as my open records request per section 552 Texas Government Code.

A. Gutierrez 1247
Officer Signature

The fees associated with this request have been waived by the Chief's discretion.

IA14-839

SUPERVISOR LOG(S)

FM2085

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 2/07/18 BY: C1722 TO: D nathan

El Paso Police Department Internal Investigations Report

COPY

Incident Entered By: SERGEANT Arturo Ramirez
Assigned Investigator: LIEUTENANT Gabriel Lucero

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
11/14/2014	11/14/2014	17:19
Record ID #	Case No	IA No
30507	N/A	IA14-839
Date/Time Entered		
11/14/2014 23:03		

Incident Summary

Officer Elizalde called out over the radio that she needed assistance on a traffic stop at Loop 375 Eastbound, just west of Fonseca Dr.

Officer Elizalde advised me that she had stopped the vehicle (2005 White Cadillac Escalade) because it was driving with the emergency flashers on and failed to signal a lane change. The officer advised she made contact with the driver. She advised she asked for the driver's license and insurance and went back to her car to issue a citation. The Officer advised the driver got out of the vehicle and approached her. The Officer walked back to the driver, whom was standing by the patrol car and advised him about the citation. The Officer told the driver to sign the citation and the driver refused. She advised that after repeated attempts of asking the driver to sign the citation, she escorted him back to the patrol unit. The Officer told the Subject to sit in the backseat of the patrol unit but the driver refused. The Officer stated she held the driver by the front of his clothing and called for assistance. Officer Gonzalez #1247 arrived and the driver was placed into the back of the patrol unit.

The driver (Globei Cruzata) advised he started having vehicle problems and turned on his emergency flashers. The driver advised he changed lanes to pull over into the emergency shoulder when he was pulled over. The driver advised that Officer Elizalde made contact with him and demanded his driver's license and insurance. According to the driver, he handed his driver license over and told the Officer that he did not understand English. The Officer told him that he should understand English because he has a CDL endorsement on his driver's license. The driver advised he handed the officer his insurance paperwork, but that Officer Elizalde grabbed it, crumpled it and threw it at him stating that it was not the correct paperwork. The driver advised the Officer then went to her patrol car. The driver stated that he was still not sure why he was pulled over, did not understand why the officer was treating him the way she was and called 9-11 to request a Spanish speaking officer. The driver advised that the "officer on the phone" told him to get the police car number and the officer's name. The driver went outside of his vehicle and while gathering the information for the 9-11 call taker, Officer Elizalde approached him and started to argue with him. The driver advised the Officer grabbed him and escorted him to the back of the patrol car. The driver stated the officer told him to get into the back of the patrol unit. The driver stated that the officer was choking him, and kicking him in the back of the head. The driver advised that he has [REDACTED] from an accident and [REDACTED] the driver advised that a male officer arrived and that Officer Elizalde and Officer Gutierrez shoved him into the back seat, causing him to re-injure his back.

The driver's complaint was that he was discriminated against because he did not know English, which according to Officer Elizalde, he should know and for excessive use force when he was forced into the back seat of the patrol car. I noted that the driver was not handcuffed in the back seat of the patrol vehicle. I advised the driver what the citation was for (failure to signal intent) and he signed the citation. The driver advised me at the scene that he was in pain, but he did not request medical assistance.

I took some pictures of the drivers vehicle to show the damage to the vehicle which was sustained in a Juarez, MX vehicle accident. I also took pictures of the Subject at the scene. I advised the driver if he wanted to file a complaint to meet me at the station and provided him directions. The driver drove himself to the station and was met by his wife. I recorded the interview of the driver in the MVRC interview room. As I was advising the driver to fill out the citizen's complaint form, he advised me that he was in pain. I allowed his wife into the interview room so she could assist him with filling out the form. The driver appeared to be

<http://pdhq-web01/blueteam/IncidentOverview.aspx?x=EHP51%2bxssIOcnKFazSK904x...> 11/21/2014

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DATE: 12/07/18 BY: C1722

TO:

D nathan

[REDACTED]

The pictures I took of the driver do not have any bruising. The abrasion on the driver's right shoulder are old. It appears that there were some scabs rubbed off, which the driver claimed was done by the officers when they were handling him.

Since the driver was transported to a hospital because of alleged misconduct by officers, I notified Commander Zarur and briefed him on the incident. He advised me to call IAD and to let them know about the incident. I spoke to Jennifer Callan on the phone whom advised me that Officer Elizalde should be placed on the desk. Shortly after speaking to Jennifer Callan, I advised Officer Elizalde to work the desk the rest of her shift.

Copies of the interview with the driver and the traffic stop were forwarded to Commander Zarur.

The driver advised me he had phone video of Officer Elizalde "pushing and shoving" him while standing in the back open door of the police car. I viewed part of the video while at the scene of the traffic stop and it shows Officer Elizalde telling the Driver to get inside the car. While at the station, I was going to attempt to make a copy of the video so I could submit with the complaint. I then decided that I was not comfortable downloading a video for fear of losing the evidence. I advised the driver to hold onto the video for Internal Affairs Investigators, so they could download the video.

I asked Officer Elizalde why the microphone was not on during the traffic stop. She advised that she did not check the Microphone at the station. She advised she left for an appointment at the CALEA Office downtown. She advised she went to municipal court after the appointment to use the restroom. When she was done with the restroom, she went to the patrol unit and tested the microphone and noticed it was not working. Officer Elizalde conducted the traffic stop on the way back from Municipal Court to the Mission valley area. I checked the transmitter (T44) and noted that when activated; there was no audio heard on the MVR.

Audio from the 9-11 call that the driver called dispatch requesting another Officer was requested for the incident from communications.

Incident Location

- N/A Loop 375 East, MP 55, El Paso, TX 79905

Reporting/Involved Citizen Information

Giobel Cata Cruzata

DOB [REDACTED] Race: Hispanic Gender: Male

Address

- 1727 Sammy Davis, El Paso, TX 79936
- 1727 SAMMY DAVIS PL, El Paso, TX

Phone

- (915) 216-6263
- (915) 820-0944
- (915) 856-1306

Involved Officers

OFFICER Martina Elizalde - PD ID Number: 006688

Assignment at time of Incident: Uniform Police Serv. II/Patrol Program II/Mission Valley
Command/Dayshift

<http://edha-weh01/hlmeteam/IncidentOverview.aspx?x=EHP51%2bysIOcnKFazSK904x...> 11/21/2014

PUBLIC RECORDS INFORMATION

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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE 12/07/18 BY: C1722

TO:

D nathan

Incident Summary

Allegations linked to this officer

- Use of Force-Excessive Force

OFFICER Antonio Gutierrez - PD ID Number: 005215

Assignment at time of incident: Uniform Police Serv. II/Patrol Program II/Mission Valley Command/Dayshift

Allegations linked to this officer

- Use of Force-Excessive Force

Attachments

Date Attached	Attachment Description	Attachment Type
11/14/2014	Copy of Citation	pdf
11/14/2014	Copy of Drivers License	pdf
11/14/2014	CAD Call	pdf
11/14/2014	Pictures of Dffender	docx
11/21/2014	Radio Transmissions and 911 Calls	distribution

Chain of Command History

Sent Dt	From	To	CC	Approved
11/14/2014	SERGEANT Arturo Ramirez	COMMANDER Victor Zarur	LIEUTENANT Gabriel Lucero, SERGEANT Lawrence Lujan, SERGEANT Steffan Bentley, SERGEANT Jose Alferez	<input type="checkbox"/>

Sender's Instructions: Blue Team reference complaint on officers.

Recipient's Comments/Response: Lets clarify the decsion on the mobile portion for follow up and add the audio received from Lt. Castellano on the phone calls made to 911. Thanks.

11/17/2014	COMMANDER Victor Zarur	LIEUTENANT Gabriel Lucero	ASST CHIEF Peter Pacillas, DIR PRD ACC Jennifer Callan, SERGEANT Arturo Ramirez	<input type="checkbox"/>
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Sender's Instructions: Please see comments

Recipient's Comments/Response: Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user SERGEANT Rosalynn Carrasco

11/21/2014	SERGEANT Rosalynn Carrasco	LIEUTENANT Gabriel Lucero	COMMANDER Victor Zarur	<input checked="" type="checkbox"/>
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Sender's Instructions: As requested

Recipient's Comments/Response: Preliminary Investigation conducted by Sgt. Ramirez, however investigation (taking of statements), was not completed due to the citizen being transported by EMS. DVD Copies of Ofc. Elizalde MVR video (no audio), video of MVRCC lobby with citizen and wife, and video of interview with Sgt. Ramirez and Mr. Cruzata has been turned in with this log. Since this complaint and investigation has not been completed, I am requesting this incident to be forwarded to I.A.D. for further investigation.

<http://n1hn-web01/blueteam/IncidentOverview.aspx?x=EHP51%2bxssiOcnKFazSK904x...> 11/21/2014

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DATE: 12/07/18 BY: C1722

TO:

D nathan

11/21/2014	LIEUTENANT Gabriel Lucero	COMMANDER Victor Zarur	(none)	
Sender's Instructions: Sgt. Ramirez has made the requested clarifications. Ready for your approval. See comments for instructions.				
Recipient's Comments/Response: Concur with recommendation, further investigation by IAO; three dvd's are being forwarded to Chief P.F. Pacillas.				
11/21/2014	COMMANDER Victor Zarur	ASST CHIEF Peter Pacillas	LIEUTENANT Andrelita Baca, SERGEANT Michael Kaprosy, OFFICER Estela Salas, OFFICER Rosemary Smith, SR SECRETARY Yolanda Smith	
Sender's Instructions: Please see comments				
Recipient's Comments/Response: [Open routing]				

Assigned Investigator Signature Line

 LIEUTENANT Gabriel Lucero

Chain of Command Signature Lines

 COMMANDER Victor Zarur

 LIEUTENANT Gabriel Lucero

IA14-839

LOG SHEETS / WORK SCHEDULE(S)

FM2085

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722 TO:

D nathan

El Paso Police Department * Mission Valley Regional Command * 9011 Escobar Dr. * (915) 872-3600
Daily Work Schedule: Friday, November 14, 2014 * Evenings Shift

Supervisors / Desk Personnel									
Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Cvt Estrada, Irma C1455	13:00-22:00	2S802		C1455					FRONT DESK
Sgt Lujan, Lawrence 1390	13:30-23:30	2L80		1390PD					
Off Romero, Louie 1408	13:30-23:30	2S800		1406PD					
Sgt Ramirez, Arturo 1961	13:30-23:30	2L81		1961PD					
Sgt Bentley, Steffen B. 2118	17:30-03:30	4L80		2118PD					
Field Personnel									
Officers:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Chavez, Miguel 2064	14:00-00:00	2S182	V10080	2064PD				DC-68	AE-26
Hernandez, Cruz 1998	14:00-00:00	2S183	V10081	1998PD				DC-56	AE-36
Robles, Juen 1646	14:00-00:00	2S184	V11095	1646PD				DC-71	AE-43 RR-21
Portillo, Paul 1332	14:00-00:00	2S186	V11101	1332PD				DC-72	AE-39 RR-12
De Avila, Jose 1986	14:00-00:00	2S187	V03415	1986PD				DC-76	AE-05
Diaz, Karla 2897	14:00-00:00	2S281	V07185	2897PD				DC-58	AE-07
Gutierrez, Antonio 1247	14:00-00:00	2S282	V11102	1247PD	T47			DC41	AE-16
Gonzalez, Tony 1845	14:00-00:00	2S285	V10086	1845PD				DC-51	AE-32
Leza, Daniel 2700	18:00-04:00	4S481	V10082	2700PD	T60			DC-66	AE-22 RR-23
Holguin, Joel 2839	18:00-04:00	4S482	V07022	2839PD	T58			DC-74	AE-10
Almanza, Victor 2520	18:00-04:00	4S486	V11097	2520PD	T48			DC-62	AE-28 RR-28
Elizalde, Martina 1817	14:00-00:00	2T781	V11094	1817PD	T44			DC-63	AE-20
Chavira, Jose 2969	14:00-00:00	2S982	V05058	2969PD				DC-59	AE-19
Escalada, Ruben 2971	14:00-00:00	2S984	V01338	2971PD				DC-25	AE-18
Shift Notes:									
2102	11/14/2014	GRIPED: 16 AVAILABLE: 3							
C1455	11/06/2014	ARRAIGNMENT DATE: DECEMBER 12, 2014							
C1455	11/14/2014	NO UNITS OUT							

Days Off		VAC/SLP/Other Leaves		Training/Rescheduled Day Off	
Alferez 2617	Elomari 2306	Garcia 2901-Awp			
Garza 2902	Madrid 2010	Lucero 1822-Vac			
Maldonado 2947	Minjares 1505	Hernandez 744-Slp			
Munoz 2954	Sanchez 1769	Davis 2863-Tdy			
Silva 2920					



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



called 911 94 -
over 1738 94

DATE <u>11/14/14</u>	UNIT DESIGNATION <u>2781</u>	DIVISION <u>MURC</u>	SHIFT <u>2</u>
NO. 1 OFFICER <u>Alcalde</u>	I.O. NO. <u>1817</u>	NO. 2 OFFICER	I.D. NO.
VEHICLE NO. <u>11094</u>	RADIO NO. <u>1817</u>	SHOTGUN NO.	OAY <u>Friday</u>
TIME ON DUTY	MILEAGE	ASSIGNED SUPERVISOR	TASER NO. <u>3535</u>
TIME OUT: <u>600</u> TIME IN: <u>575</u> <u>25</u>	ENDING: <u>55244</u> STARTING: <u>55212</u> TOTAL: <u>32</u>	<u>Sgt. Alvarez</u>	SUPERVISOR SIGNATURE <u>[Signature]</u>

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR <u>D</u>	EXTERIOR <u>D</u>	TIRES <u>W</u>	REDLIGHTS	SIREN <u>W</u>	SPOTLIGHT <u>W</u>	SPARE <u>N</u>	FLARES
JACK/LUG WRENCH	BLANKET	FINGERPRINT KIT	FIRST AID KIT	DEFIBRILLATOR	CAMERAS	REFLECTIVE VEST	IN CAR VIDEO MIC <u>Ref</u>
OTHER (LIST) <u>1114 female</u>				FLUID CHECK <u>W</u>	AIR CARD <u>11/12/14</u>	<u>recorded</u>	
REMARKS							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

CALL FOR SERVICE				CITATIONS				ARRESTS		
CP Contacts/Problems Identification	CP	Dispatch	Observed	Hazard H	3	2	Radar Ckt.	RC	Felony	F
Persons Checked (Adults)	5 P	Patrol	—	Non-Haz NH	3	2	Red Light	1	Class "A"	AA
Juveniles Checked	1 J	Traffic	1	Class C C	1	2	School Zone	SZ	Class "B"	AB
Vehicle Checked	4 V	Comm. Policing	—	Parking PK	1	2	Un-restrained Child	—	Class "C"	AC
LPR Vehicle checks	—	Admin	—	Curfew	Juv	Parent	Traffic Focus	—	TOTAL	—
LPR Hits	—	Reports	Off #1	Off #2	Muni. Code Viol	—	Stop Sign	—	DWI	Felony
Accident Inv.	1 AI	Inc Rpt	—	—	Speed	—	Seatbelt	—	Traffic Stop Arrests	—
Accident Adv.	— AV	Traffic Rpt	1	—	Cell Phone Adv	—	Cell Phone Ckt	—	Minor Offense	—

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer [Signature] No. 2 Officer [Signature]

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
1400	1445	45	MURC	87	Left Meeting / Deposed / 108	
1445	1200	175	747 E. San Antonio	33	Appt. w/ Clerk / 108	
1745			1000 375 / Fonseca	505	37 / TX 86.470 / 108 / 108	
					1727.500 / 108	
					Refused everything - had to ask at least 8x for D/L / pretended not to understand English (has CD)	
					Refused to get into unit to wait for Sgt - is	
					was held at ground floor until backup came	
					→ called 911 2x 1725 & 1739 hrs / Sgt	
					Ramirez at scene → signed ticket / 108	
1815	1850	35				

EPPD 36-22-110

PUBLIC RECORDS INFORMATION
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DATE 12/07/18 BY: C1722 TO: D nathan

TE	230			DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
	TIME OUT	TIME IN	TOTAL MIN			
78	1825	1822	15/31	85	Gas - up (17 + gal) / 08	
79	1829			87	91 24 with 500000 - moved to Whiteburg /	
					Blanca Gallegos	
					1112 Horizon # 15	
					Secretary Freeman	
					4095 John Cunningham	
					cit / 111 Conf. 8000, NOTX D/L, MOK	
72				85	37 Salvador Moreno Ortega	
					3405 Llasca	
	1925	1925	65/310	-	cit (Red. Address) # 18-771631 / 07	
72	1935			87	3-2 And. Sgt Ramirez / finish 81	
	0000	265/175		-	finish shift on desk	

EPPD 36-22-110

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DATE 12/07/18 BY: C1722

TO:

D nathan



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



DATE 11-14-14	UNIT DESIGNATION 25280	DIVISION MVRC	SHIFT #2
NO. 1 OFFICER A. Gutierrez	LP NO. 1247	NO. 2 OFFICER	I.D. NO.
VEHICLE NO. V 11102	RADIO NO. 1247PD	SHOTGUN NO.	DAY Friday
TIME ON DUTY	MILEAGE 86463	ASSIGNED SUPERVISOR	TASER NO. 619538
TIME OUT: 510	ENDING: 86,421	Sgt. A. Ramirez	TASER NO.
TIME IN: 600	STARTING: 40		SUPERVISOR SIGNATURE

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR D	EXTERIOR D	TIRES W	REDLIGHTS W	SIREN W	SPOTLIGHT W	SPARE M	FLARES M
JACK/LUG WRENCH MV	BLANKET M	FINGERPRINT KIT M	FIRST AID KIT M	DEFIBRILLATOR M	CAMERAS M	REFLECTIVE VEST M	IN CAR VIDEO MIC MV
OTHER (LIST)				FLUID CHECK	AIR CARD N/A		
REMARKS				N/A			

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

CALL FOR SERVICE				CITATIONS				ARRESTS			
CP Contacts/Problems Identification	CP	Dispatch	Observed	Hazard H				Radar Cit.	RC	Felony	F
Persons Checked (Adults)	3 P	Patrol	3	Non-Haz NH				Red Light		Class "A"	AA
Juveniles Checked	J	Traffic	2	Class C C				School Zone	SZ	Class "B"	AB
Vehicle Checked	4 V	Comm. Policing		Parking PK				Un-restrained Child		Class "C"	AC
LPR Vehicle checks		Admin		Curfew	Juv	Parent		Traffic Focus		TOTAL	
LPR Hits		Reports	Off #1	Off #2				Stop Sign		DWI	Felony
Accident Inv.	1 AI	Inc Rpt			Muni. Code Viol			Seatbelt		Traffic Stop Arrests	
Accident Adv.	AV	Traffic Rpt	1		Speed			Cell Phone Cit		Minor Detectable	

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer **A. Gutierrez** No. 2 Officer

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
1400	1439	40	MVRC		shift meeting	
1441			Hawkins & Market		5581 / 3 cars involved / cars: [redacted]	
			[redacted]		TX [redacted] NM NSL	
			1201 Drivers: David Valdez 7-		Rescued	
			Chambers / (Raul) Cruz		2425 San Jose / En bron	
			Namendez		825 4th / Anthony	
1600			to UMC / follow-up w. Ms. Cruz / 81 REPORT			
			case # 14-318157 / citation # 18698315 to Mr. Namendez			
	1727	170	Follow to close / # 18698316 to Mr. Cruz / follow too close			
81 1731	1805	30	Bank Highway & Fomosa		Arrest Tom Unit / Arrested	

EPPD 36-22-110

12-12

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DATE: 12/07/18 BY: C1722

TO:

D nathan

**P2014586785 - OV - TRAFFIC - OFFICER INITIATED CALLS - TRAFFIC STOP
CESAR CHAVEZ BORDER HWY EB/EXIT 56 FONSECA RAMP EB EP**

Normal View

EVENT INFORMATION - P2014586785

11/14/14

Event Type	Event ID	Priority	Status	Source	DGroup	Case Numbers	Disposition Code	Terminal	Dup No.	Callback ID
OV	P2014586785	4	A	OFFICER	B		A CT	pd5		1005207

AGENCY INFORMATION

Agency	Priority	DGroup	ESZ	Area	Added	Dispatched	Arrived	Closed	Close ID	Close Terminal	Event ID	Primary Unit	Situation	Comments
IPPD	4	B	5337504	53	11/14/14 17:19:49	11/14/14 17:19:50	11/14/14 17:19:51	11/14/14 18:17:13	1021955	pd7	P2014586785	25822		

REMARKS

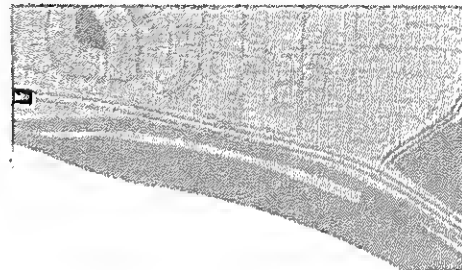
Common Agency Specific

LOCATION INFORMATION

CESAR CHAVEZ BORDER HWY EB/EXIT 56 FONSECA RAMP EB EP

X STREET 1: CESAR CHAVEZ BORDER HWY EB
X STREET 2: EXIT 56 FONSECA RAMP EB

Location Chunks



Field Event
 ** LOT search completed at 11/14/14 17:19:51
 ** VEH search completed at 11/14/14 17:19:51
 ** Event location changed from "375 E/ONS" to "CESAR CHAVEZ BORDER HWY EB/EXIT 56 FONSECA RAMP EB EP" at 11/14/14 17:20:44
 ** >>> by MICHELE A. ACOSTA on terminal pd5
 ** LOT search completed at 11/14/14 17:20:45
 ** 2ND CALL
 RP ADV HAVING PROBLEMS W/ OFFICER
 RP'S VEH WHI CADILLAC ESCALADE
 RP GLOBEN CRUZATA
 RP HARD TO UNDERSTAND/ SPANISH SPEAKER
 ADV OFFICER DOES NOT SPEAK SPANISH, UNABLE TO UNDERSTAND WHAT HE IS GETTING A TICKET FOR
 RP ADV JUST HAD ANVA AND OFFICER NOT HELPING FOR
 RP KEEPS STATING OFFICER IS INSULTING HIM BUT CAN NOT UNDERSTAND HER
 ** LOT information for Event # P2014586785 was viewed at 11/14/14 17:21:48
 ** >>> by ANNA P. MORONES on terminal p13
 ** 2ND CALL
 RP POSS STRUGGLING W/ OFFICER
 SUBJ STATING OFFICER TAKING PHONE AWAY FROM RP
 PDX DISCONNECTED... OFFICER HEARD IN BACKGROUND POSS STATING TO GET ON THE PHONE
 ** LOT information for Event # P2014586785 was viewed at 11/14/14 17:31:58
 ** >>> by GUADALUPE MARTINEZ on terminal p12
 Duplicate Event Location = CESAR CHAVEZ BORDER HWY EB/EXIT 56 FONSECA RAMP EB EP, Cross Street 1 = CESAR CHAVEZ BORDER HWY EB, Cross Street 2 = EXIT 56 FONSECA RAMP EB, Type = 911UNK, 911
 UNKNOWN PROBLEM, Subtype = HANGUP, 911 HANGUP, Caller Name = T MOBILE USA, Caller Ph Number = [REDACTED], Caller Address = [REDACTED], Call Source = ATN/ALL, Alarm Level = 1, Anr = 3047839
 • 11755064 • 10643327
 911HUP
 C/B
 End of Duplicate Event data
 ***3RD CALL
 MALE ON THE LINE STATING HE'S BEING MISTREATED BY OFFICER
 VERIFIED HIS VEH IS WHI CADILLAC
 LINE DISC
 ET
 25282 BTW FONSECA AND DILTA
 RT
 Duplicate Event Location = CESAR CHAVEZ BORDER HWY EB/EXIT 56 FONSECA RAMP EB EP, Cross Street 1 = CESAR CHAVEZ BORDER HWY EB, Cross Street 2 = EXIT 56 FONSECA RAMP EB, Caller Name = T MOBILE USA, Caller Ph Number = [REDACTED], Caller Address = [REDACTED], Call Source = ATN/ALL, Alarm Level = 1, Anr = 3047851
 End of Duplicate Event data
 ***MALE CONTINUES TO USE HIS PHONE

CALLER INFORMATION

Name:
 Phone:
 Address:

SUPPLEMENTAL INFORMATION

Person 0			
Vehicle 1			
Model Year	Make		
Model	State Tx		
License	Vehicle Color		
Remarks	License Year		
License Type	Unit ID 2761		
Property 0			
Contact Name 0			
Incident Times 0			

CITY OF EL PASO, TEXAS
EL PASO POLICE DEPARTMENT
TRAFFIC CITATION

X [Signature]
DEFENDANT'S SIGNATURE

I agree to answer this citation by appearing at my arraignment hearing at El Paso Municipal Court's Northeast site, 9600 DA R.R. on

12 / 12 / 14

between the hours of 8:30-11:30 a.m. or 1:30-4:30 p.m. or by payment of the prescribed fine before the arraignment date. Signing of this citation is not an admission of guilt.

OFFICER Escobedo NO. 1817 DIV. 1400

NAME OF DEFENDANT (PRINT)	DATE	11/14/14		18-771630	
FIRST NAME	G	I	O	B	E
LAST NAME	C	R	U	Z	A
SEX	M	STREET ADDRESS 1727 Sam Houston			
CITY	EL PASO			STATE	TX
TEL. NO.	[Redacted]			ZIP	79906
EMPLOYER'S ADDRESS	[Redacted]				
PARENT/GUARDIAN	[Redacted]				
ADDRESS	[Redacted]				TEL. NO. [Redacted]
D.L. NO.	[Redacted]				DOB [Redacted]
LICENSING STATE	[Redacted]				DOB [Redacted]
VEH. REGIS.	[Redacted]				YEAR 15
VEH. MODEL	Cochise Escalade				COLOR white
LOCATION	Loop 375 East				DIRECTION E
NEAREST INTERSECTION	Fonseca				QST 31
VIOLATION #1 CHARGED	FTT signal lane change				CODE
VIOLATION #2 CHARGED	[Redacted]				CODE
VIOLATION #3 CHARGED	[Redacted]				CODE
VIOLATION #4 CHARGED	[Redacted]				CODE
VIOLATION #5 CHARGED	[Redacted]				CODE
SEARCH	Y	CONSENT	Y	CITR-BND	Y
ACC.	Y	TIME	5:15	AM	PM
RACE/ETHNICITY KNOWN PRIOR TO STOP	Y				IN
CASE NO.	[Redacted]				

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DATE 12/07/18 BY: C1722 TO: D nathan



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DATE 12/07/18 BY: C1722 TO: D nathan

(1) at least 500 feet from the front and rear of the vehicle if the vehicle is at least 80 inches wide; and

(2) at least 300 feet from the front and rear of the vehicle if the vehicle is less than 80 inches wide.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.325. Reflectors Required.

(a) Except as provided by Subchapter F, a motor vehicle, trailer, semitrailer, or pole trailer shall be equipped with at least two red reflectors on the rear of the vehicle. A red reflector may be included as a part of a taillamp.

(b) A reflector shall be:

(1) mounted at a height from 15 to 60 inches; and

(2) visible at night at all distances:

(A) from 100 to 600 feet when directly in front of lawful lower beams of headlamps; or

(B) from 100 to 350 feet when directly in front of lawful upper beams of headlamps if the vehicle was manufactured or assembled before January 1, 1972.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.325. Minimum Lighting Equipment Required.

(a) A vehicle that is not specifically required to be equipped with lamps or other lighting devices shall be equipped at the times specified in Section 547.302(a) with at least one lamp that emits a white light visible at a distance of at least 1,000 feet from the front and:

(1) two lamps that emit a red light visible at a distance of at least 1,000 feet from the rear; or

(2) one lamp that emits a red light visible at a distance of at least 1,000 feet from the rear and two red reflectors visible when illuminated by the lawful lower beams of headlamps at all distances from 100 to 600 feet to the rear.

(b) This section also applies to an animal-drawn vehicle and a vehicle exempted from this chapter by Section 547.002.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.327. Spotlamps Permitted.

(a) A motor vehicle may be equipped with not more than two spotlamps.

(b) A spotlamp shall be aimed so that no part of the high-intensity portion of the beam strikes the

windshield, window, mirror, or occupant of another vehicle in use.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.328. Fog Lamps Permitted.

(a) A motor vehicle may be equipped with not more than two fog lamps.

(b) A fog lamp shall be:

(1) mounted on the front of the vehicle at a height from 12 to 30 inches; and

(2) aimed so that no part of the high-intensity portion of the beam from a lamp mounted to the left of center on a vehicle projects a beam of light at a distance of 25 feet that is higher than four inches below the level of the center of the lamp.

(c) Lighted fog lamps may be used with lower headlamp beams as specified by Section 547.333. (Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.329. Auxiliary Passing Lamps Permitted.

(a) A motor vehicle may be equipped with not more than two auxiliary passing lamps.

(b) An auxiliary passing lamp shall be mounted on the front of the vehicle at a height from 24 to 42 inches.

(c) An auxiliary passing lamp may be used with headlamps as specified by Section 547.333. (Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.330. Auxiliary Driving Lamps Permitted.

(a) A motor vehicle may be equipped with not more than two auxiliary driving lamps.

(b) An auxiliary driving lamp shall be mounted on the front of the vehicle at a height from 15 to 42 inches.

(c) Auxiliary driving lamps may be used with headlamps as specified by Section 547.333. (Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.331. Hazard Lamps Permitted.

(a) A vehicle may be equipped with lamps to warn other vehicle operators of a vehicular traffic hazard that requires unusual care in approaching, overtaking, or passing.

(b) The lamps shall be:

(1) mounted at the same level and spaced as widely apart as practicable on the front and on the rear of the vehicle; and

(2) visible at a distance of at least 500 feet in normal sunlight.

(c) The lamps shall display simultaneously flashing lights that emit:

(1) a white or amber light, or a color between white and amber, if the lamp is mounted on the front of the vehicle; or

(2) a red or amber light, or a color between red and amber, if the lamp is mounted on the rear of the vehicle.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.332. Other Lamps Permitted.
A motor vehicle may be equipped with:

(1) not more than two side cowl or fender lamps that emit an amber or white light without glare;

(2) not more than two running board courtesy lamps, one on each side of the vehicle, that emit an amber or white light without glare; and

(3) one or more backup lamps that:

(A) emit an amber or white light only when the vehicle is not moving forward; and

(B) may be displayed separately or in combination with another lamp.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.333. Multiple-Beam Lighting Equipment Required.

(a) Unless provided otherwise, a headlamp, auxiliary driving lamp, auxiliary passing lamp, or combination of those lamps mounted on a motor vehicle, other than a motorcycle or motor-driven cycle:

(1) shall be arranged so that the operator can select at will between distributions of light projected at different elevations; and

(2) may be arranged so that the operator can select the distribution automatically.

(b) A lamp identified by Subsection (a) shall produce:

(1) an uppermost distribution of light or composite beam that is aimed and emits light sufficient to reveal a person or vehicle at a distance of at least 450 feet ahead during all conditions of loading; and

(2) a lowermost distribution of light or composite beam that:

(A) is aimed and emits light sufficient to reveal a person or vehicle at a distance of at least 150 feet ahead; and

(B) is aimed so that no part of the high-intensity portion of the beam on a vehicle

that is operated on a straight, level road under any condition of loading projects into the eyes of an approaching vehicle operator.

(c) A person who operates a vehicle on a roadway or shoulder shall select a distribution of light or composite beam that is aimed and emits light sufficient to reveal a person or vehicle at a safe distance ahead of the vehicle, except that:

(1) an operator approaching an oncoming vehicle within 500 feet shall select:

(A) the lowermost distribution of light or composite beam, regardless of road contour or condition of loading; or

(B) a distribution aimed so that no part of the high-intensity portion of the lamp projects into the eyes of an approaching vehicle operator; and

(2) an operator approaching a vehicle from the rear within 300 feet may not select the uppermost distribution of light.

(d) A motor vehicle of a model year of 1948 or later, other than a motorcycle or motor-driven cycle, that has multiple-beam lighting equipment shall be equipped with a beam indicator that is:

(1) designed and located so that the lighted indicator is visible without glare to the vehicle operator; and

(2) lighted only when the uppermost distribution of light is in use.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 547.334. Single-Beam Lighting Equipment Permitted.

(a) In lieu of the multiple-beam lighting equipment required by Section 547.333, a headlamp system that provides a single distribution of light and meets the requirements of Subsection (b) is permitted for:

(1) a farm tractor; or

(2) a motor vehicle manufactured and sold before September 4, 1948.

(b) The headlamp system specified by Subsection (a) shall:

(1) emit a light sufficient to reveal a person or vehicle at a distance of at least 200 feet; and

(2) be aimed so that no part of the high-intensity portion of the lamp projects a beam:

(A) higher than five inches below the level of the center of the lamp at a distance of 25 feet ahead; or

(B) higher than 42 inches above the ground at a distance of 75 feet ahead.

(Enacted by Acts 1995, 74th Leg., ch. 166 (S.B. 971), § 1, effective September 1, 1995.)

signal as provided by this subchapter to the operator of a vehicle immediately to the rear when there is an opportunity to give the signal. (Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 545.106. Signals by Hand and Arm or by Signal Lamp.

(a) Except as provided by Subsection (b), an operator required to give a stop or turn signal shall do so by:

- (1) using the hand and arm; or
- (2) lighting signal lamps approved by the department.

(b) A motor vehicle in use on a highway shall be equipped with signal lamps, and the required signal shall be given by lighting the lamps, if:

(1) the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle is more than two feet; or

(2) the distance from the center of the top of the steering post to the rear limit of the body or load, including the body or load of a combination of vehicles, is more than 14 feet.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 545.107. Method of Giving Hand and Arm Signals.

An operator who is permitted to give a hand and arm signal shall give the signal from the left side of the vehicle as follows:

(1) to make a left turn signal, extend hand and arm horizontally;

(2) to make a right turn signal, extend hand and arm upward, except that a bicycle operator may signal from the right side of the vehicle with the hand and arm extended horizontally; and

(3) to stop or decrease speed, extend hand and arm downward.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Secs. 545.108 to 545.150. [Reserved for expansion].

SUBCHAPTER D RIGHT-OF-WAY

Sec. 545.151. Vehicle Approaching or Entering Intersection.

(a) An operator approaching an intersection:

(1) shall stop, yield, and grant immediate use of the intersection:

(A) in obedience to an official traffic-control device, including a stop sign or yield right-of-way sign; or

(B) if a traffic-control signal is present but does not display an indication in any of the signal heads; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(b) An operator on a single-lane or two-lane street or roadway who approaches an intersection that is not controlled by an official traffic-control device and that is located on a divided highway or on a street or roadway divided into three or more marked traffic lanes:

(1) shall stop, yield, and grant immediate use of the intersection to a vehicle on the other street or roadway that is within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(c) An operator on an unpaved street or roadway approaching an intersection of a paved street or roadway:

(1) shall stop, yield, and grant immediate use of the intersection to a vehicle on the paved street or roadway that is within the intersection or approaching the intersection in such proximity as to be a hazard; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using the paved street or roadway.

(d) Except as provided in Subsection (e), an operator approaching an intersection of a street or roadway that is not controlled by an official traffic-control device:

(1) shall stop, yield, and grant immediate use of the intersection to a vehicle that has entered the intersection from the operator's right or is approaching the intersection from the operator's right in a proximity that is a hazard; and

(2) after stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(e) An operator approaching an intersection of a street or roadway from a street or roadway that

may order the person to perform community service. The court shall set the number of hours of service under this subsection.

(f) For the purposes of this section:

(1) a highway is considered to have separate roadways only if the highway has roadways separated by an intervening space on which operation of vehicles is not permitted, a physical barrier, or a clearly indicated dividing section constructed to impede vehicular traffic; and

(2) a highway is not considered to have separate roadways if the highway has roadways separated only by a left turn lane.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995; am. Acts 1997, 75th Leg., ch. 1438 (H.B. 3249), § 9, effective September 1, 1997; am. Acts 2003, 78th Leg., ch. 1925 (H.B. 3588), § 19.05(o), effective September 1, 2003; am. Acts 2013, 83rd Leg., ch. 661 (H.B. 1174), § 1, effective September 1, 2013.)

Secs. 545.067 to 545.100. [Reserved for expansion].

SUBCHAPTER C TURNING AND SIGNALS FOR STOPPING AND TURNING

Sec. 545.101. Turning at Intersection.

(a) To make a right turn at an intersection, an operator shall make both the approach and the turn as closely as practicable to the right-hand curb or edge of the roadway.

(b) To make a left turn at an intersection, an operator shall:

(1) approach the intersection in the extreme left-hand lane lawfully available to a vehicle moving in the direction of the vehicle; and

(2) after entering the intersection, turn left, leaving the intersection so as to arrive in a lane lawfully available to traffic moving in the direction of the vehicle on the roadway being entered.

(c) On a street or roadway designated for two-way traffic, the operator turning left shall, to the extent practicable, turn in the portion of the intersection to the left of the center of the intersection.

(d) To turn left, an operator who is approaching an intersection having a roadway designated for one-way traffic and for which signs are posted from a roadway designated for one-way traffic and for which signs are posted shall make the

turn as closely as practicable to the left-hand curb or edge of the roadway.

(e) The Texas Transportation Commission or a local authority, with respect to a highway in its jurisdiction, may:

(1) authorize the placement of an official traffic-control device in or adjacent to an intersection; and

(2) require a course different from that specified in this section for movement by vehicles turning at an intersection.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 545.102. Turning on Curve or Crest of Grade.

An operator may not turn the vehicle to move in the opposite direction when approaching a curve or the crest of a grade if the vehicle is not visible to the operator of another vehicle approaching from either direction within 500 feet. (Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 545.103. Safely Turning.

An operator may not turn the vehicle to enter a private road or driveway, otherwise turn the vehicle from a direct course, or move right or left on a roadway unless a movement can be made safely.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 545.104. Signaling Turns; Use of Turn Signals.

(a) An operator shall use the signal authorized by Section 545.106 to indicate an intention to turn, change lanes, or start from a parked position.

(b) An operator intending to turn a vehicle right or left shall signal continuously for not less than the last 100 feet of movement of the vehicle before the turn.

(c) An operator may not light the signals on only one side of the vehicle on a parked or disabled vehicle or use the signals as a courtesy or "do pass" signal to the operator of another vehicle approaching from the rear.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 545.105. Signaling Stops.

An operator may not stop or suddenly decrease the speed of the vehicle without first giving a stop

signal as operator when the (Enacted by 971), § 1,

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Secs. 545. for expansion

Sec. 545.1 Entering

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motorcycle is shown on the commercial driver's license and the requirements for issuance of a motorcycle license have been met.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995.)

Sec. 522.042. Endorsements; Offense.

(a) The department may issue a commercial driver's license with endorsements:

- (1) authorizing the driving of a vehicle transporting hazardous materials, subject to the requirements of Title 49 C.F.R. Part 1572;
- (2) authorizing the towing of a double or triple trailer or a trailer over a specified weight;
- (3) authorizing the driving of a vehicle carrying passengers;
- (4) authorizing the driving of a tank vehicle;
- (5) representing a combination of hazardous materials and tank vehicle endorsements; or
- (6) authorizing the driving of a school bus, as defined by Section 541.201.

(b) The holder of a commercial driver's license may not drive a vehicle that requires an endorsement unless the proper endorsement appears on the license.

(c) A person commits an offense if the person violates Subsection (b). An offense under this section is a Class C misdemeanor.

(Enacted by Acts 1995, 74th Leg., ch. 165 (S.B. 971), § 1, effective September 1, 1995; am. Acts 2001, 77th Leg., ch. 941 (S.B. 886), § 6, effective September 1, 2001; am. Acts 2005, 79th Leg., ch. 358 (S.B. 1258), § 1, effective September 1, 2005.)

Sec. 522.0425. Hazardous Materials Endorsement; Cancellation.

(a) The department shall cancel or deny the issuance of a hazardous materials endorsement of a person's commercial driver's license within 15 days of the date the department receives notification from a federal agency authorized to make a final determination of threat assessment under 49 C.F.R. Section 1572.13.

(b) On receipt of a notification from a federal agency authorized to make an initial determination of threat assessment under 49 C.F.R. Section 1572.13, the department shall immediately cancel or deny the person the issuance of a hazardous materials endorsement of a commercial driver's license.

(c) The cancellation or denial of a hazardous materials endorsement under this section shall be reported to the commercial driver's license information system before the 15th day after the date of cancellation or denial.

(Enacted by Acts 2007, 80th Leg., ch. 424 (S.B. 1372), § 6, effective January 1, 2008.)

Sec. 522.043. Restrictions; Offense.

(a) On issuing a commercial driver's license, the department for good cause may impose one or more restrictions suitable to the license holder's driving ability and limitations, including restrictions:

(1) prohibiting the license holder from driving a vehicle equipped with air brakes; and

(2) as provided by 49 C.F.R. Part 391, prohibiting driving a commercial vehicle in interstate commerce by a person who:

(A) is under 21 years of age;

(B) does not meet applicable physical guidelines; or

(C) cannot sufficiently read and speak the English language.

(b) For purposes of this section, the department may not administer examinations or tests relating to the applicant's proficiency in the English language, but if an applicant cannot speak English sufficiently to communicate to department personnel the applicant's need for a commercial driver's license, the department may issue to the person a commercial driver's license restricted to operation in intrastate commerce.

(c) A person commits an offense if the person drives a commercial motor vehicle in violation of a restriction. An offense under this section is a Class C misdemeanor.

(Enacted by Acts 1995, 74th Leg., ch. 155 (S.B. 971), § 1, effective September 1, 1995.)

Secs. 522.044 to 522.050. [Reserved for expansion].

SUBCHAPTER E

EXPIRATION AND RENEWAL OF LICENSE OR PERMIT

Sec. 522.051. Expiration of License or Permit.

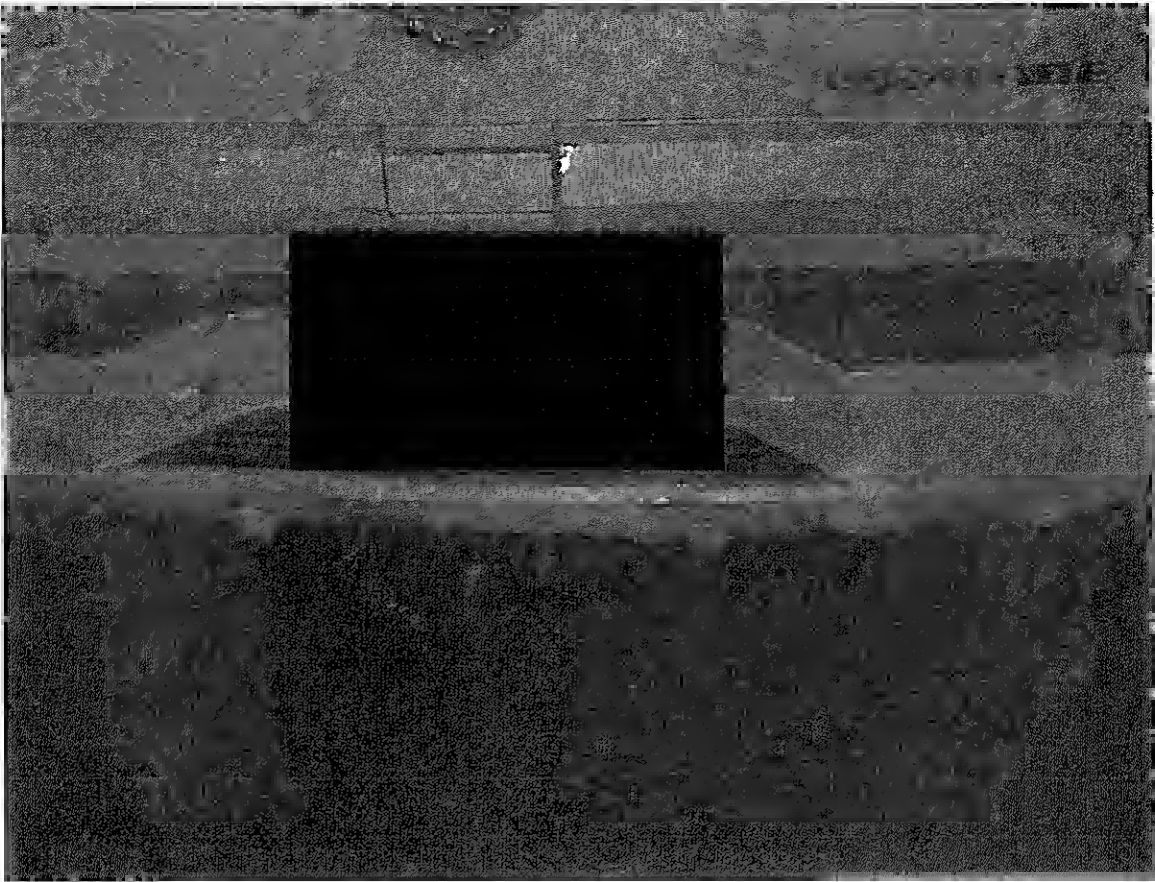
(a) Except as provided by Subsection (f) and Sections 522.013(e), 522.033, and 522.054, an original commercial driver's license or commercial driver learner's permit expires five years after the applicant's next birthday.

(b) Except as provided by Section 522.054, a commercial driver's license or commercial driver learner's permit issued to a person holding a Texas Class A, B, C, or M license that would expire one year or more after the date of issuance



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DATE: 12/07/18 BY: C1722 TO: D nathan



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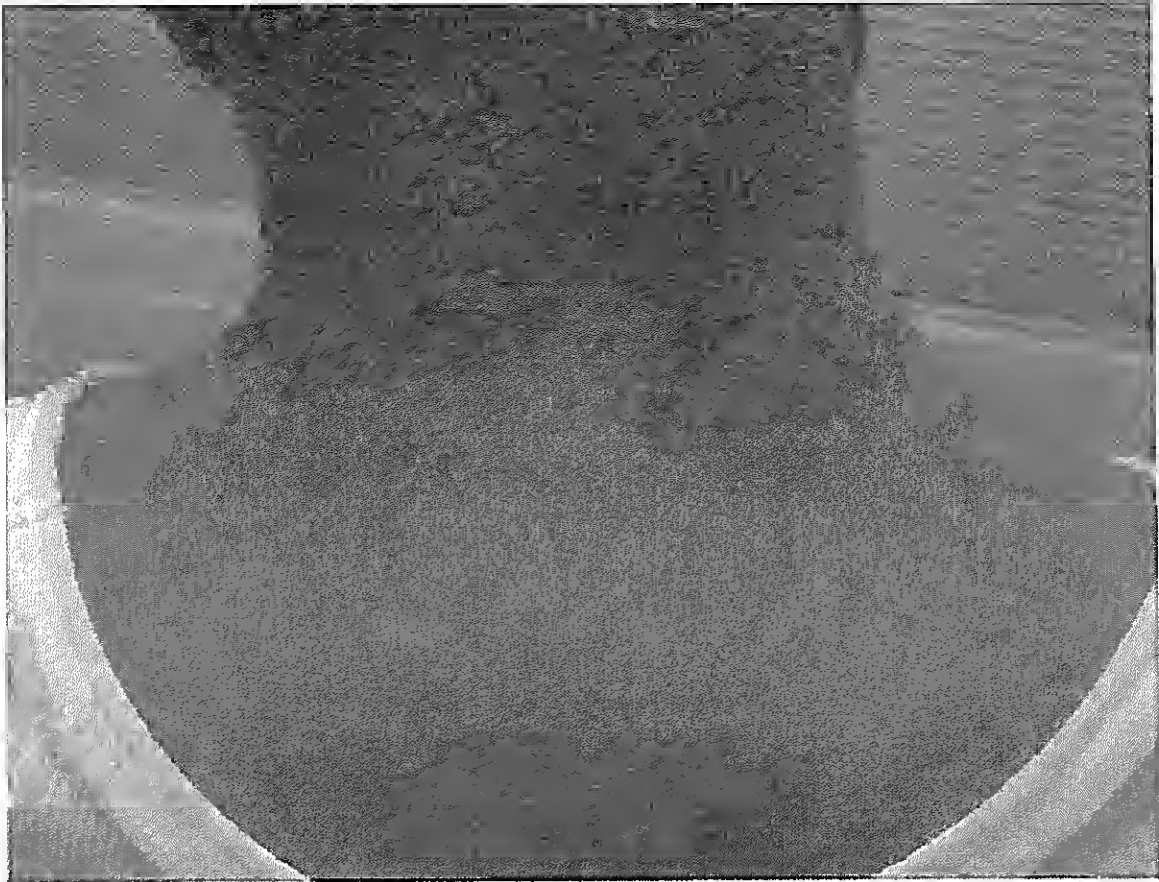
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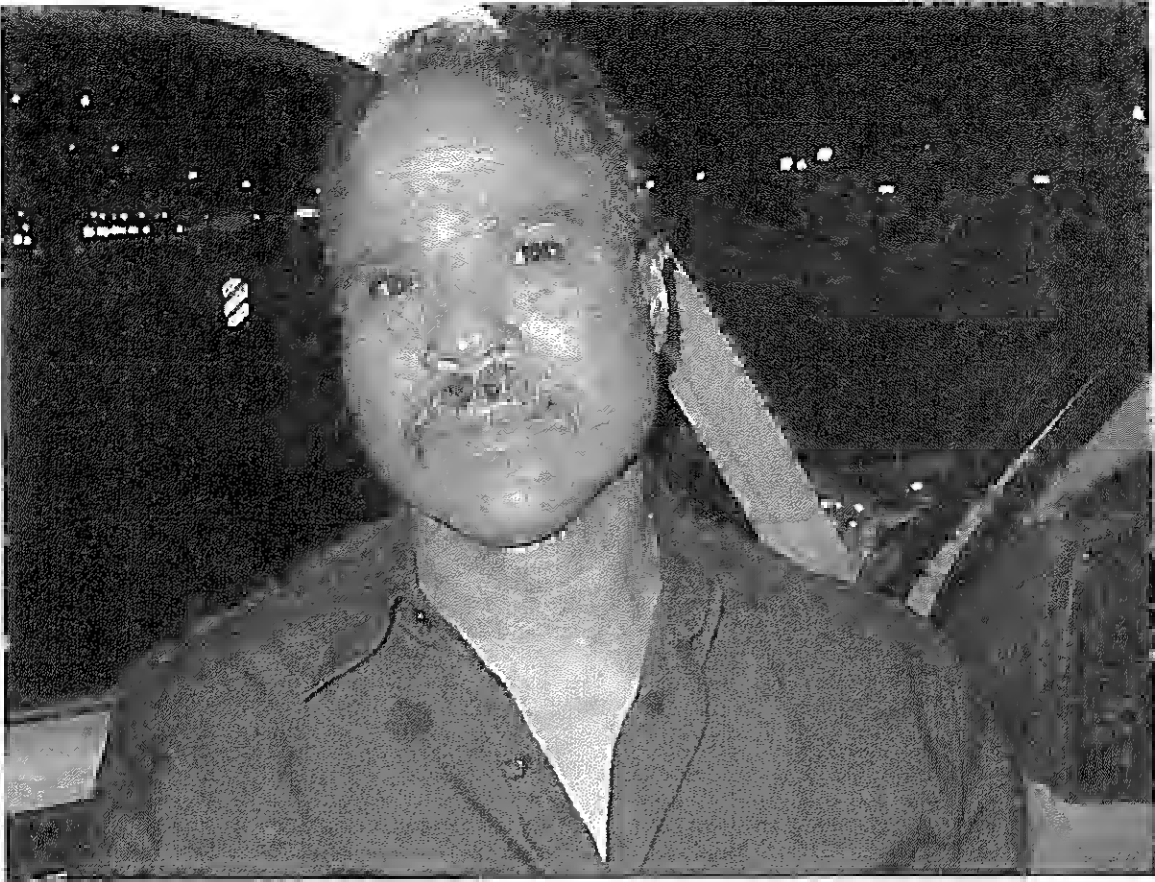
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DATE 12/07/18 BY: C1722 TO: D nathan



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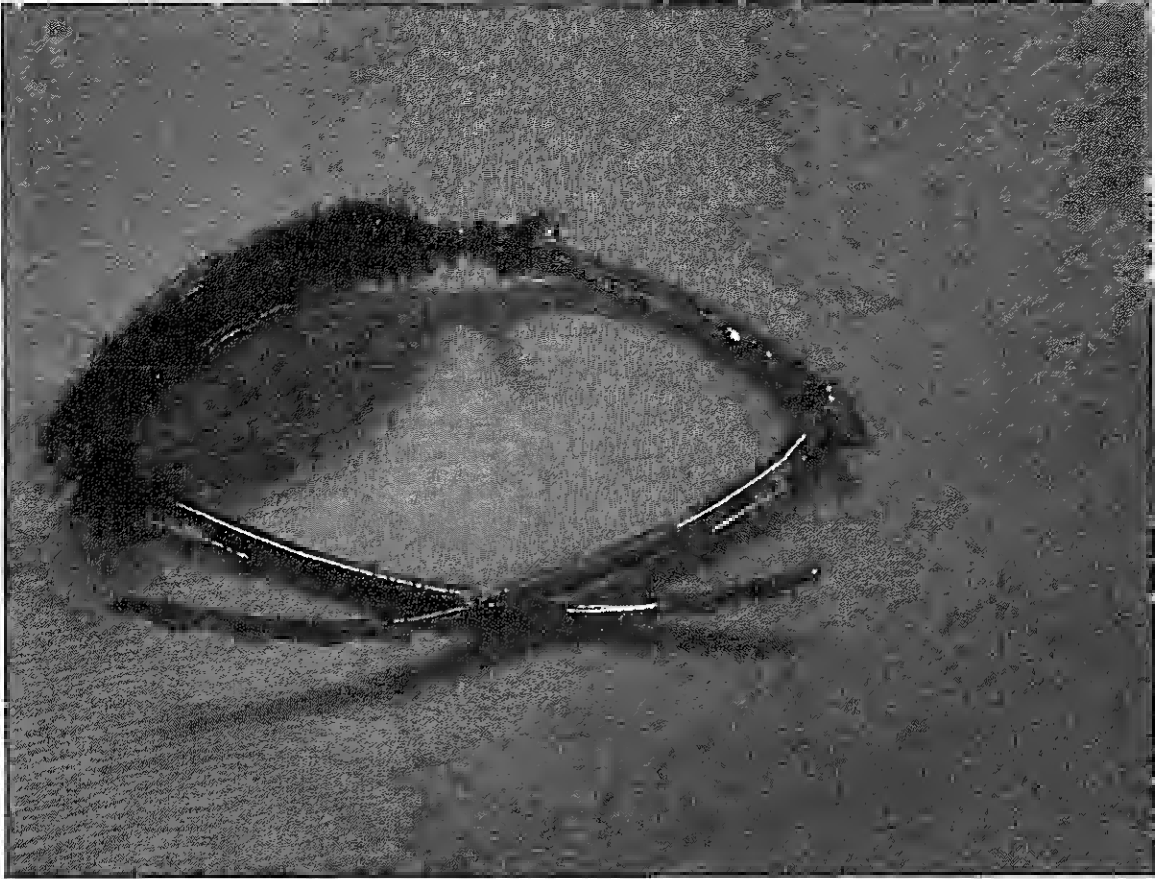
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TO:

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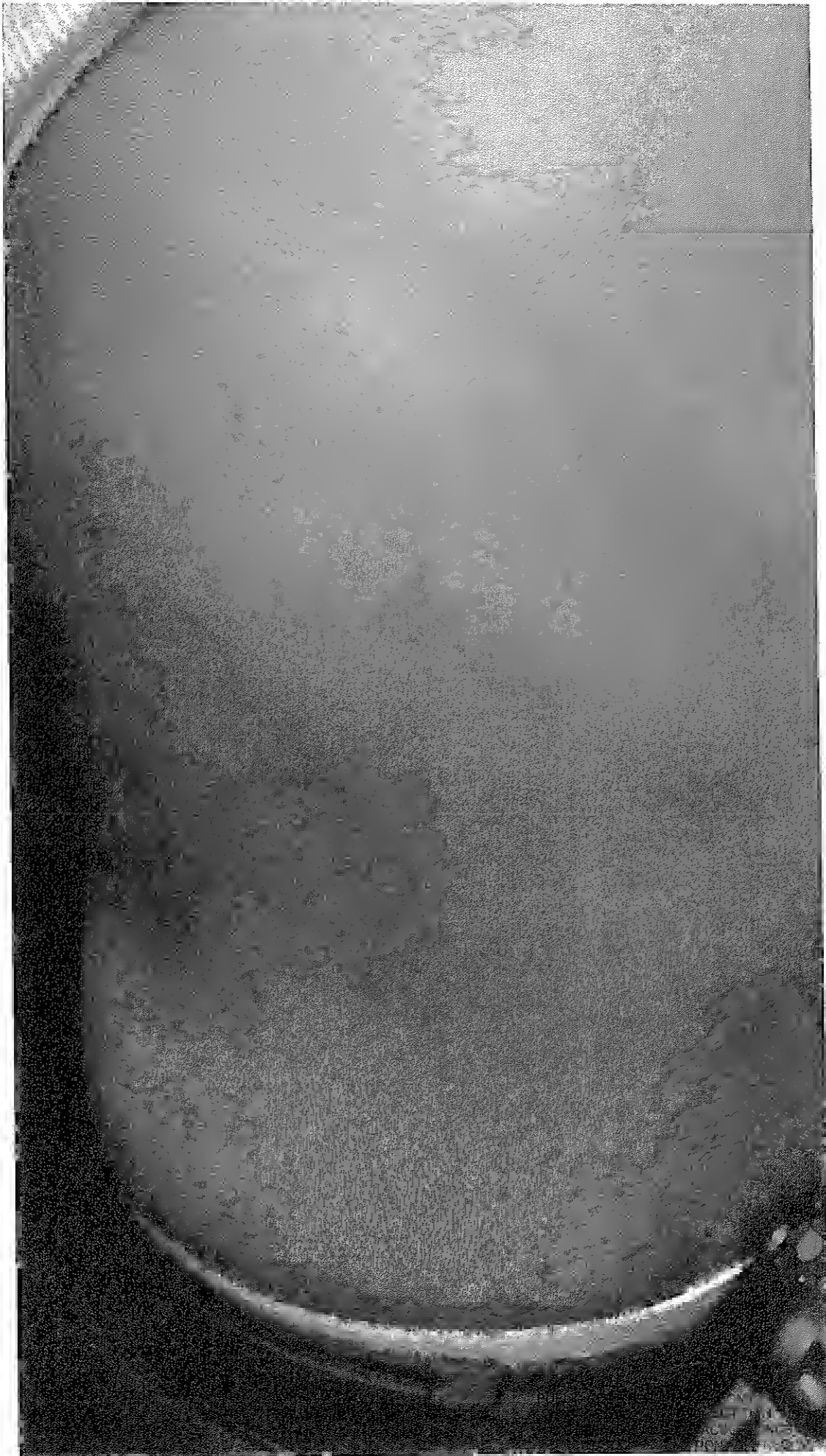
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PUBLISHED BY THE
AMERICAN PEOPLE'S PRESS
NEW YORK

DATE: 10/10/70 BY: J. L. [illegible] TO: [illegible]

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
CASE SCREENING/INFORMATION FORM



Date 3-31-15

Date: _____

Date: _____

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DATE: 12/07/18 BY: C1722 TO: D Nathan



El Paso Police Department

Mayor
Oscar Leaser

April 7, 2015

City Council

Mr. Manny Estrada
11704 Dick Mayers
El Paso, Texas 79936

District 1
Ann Morgan Lilly

Re: Administrative Case #LA15-0074

District 2
Larry Romero

Dear Mr. Estrada:

District 3
Emma Acosta

The Internal Affairs Division has reviewed your complaint. Although the information you provided does not constitute a violation of policy by one of our employees, we will retain the information in our files. If you have any questions, please do not hesitate to contact the Internal Affairs Division at 212-0157.

District 4
Carl L. Robinson

Thank you for bringing this matter to our attention. We look to the community for partnership in our continuing efforts to improve the professionalism of the Department.

District 5
Dr. Michael R. Noe

Sincerely,

District 6
Claudia Ordaz

District 7
Lily Limón

Jennifer F. Callan
Director of Professional Accountability
Internal Affairs Division

District 8
Courtney C. Niland

City Manager
Tommy Gonzalez

Internal Affairs Division
211 N. Florence St. Suite 205 | El Paso, Texas 79901 | (915) 212-0157

Dedicated to Outstanding Customer Service for a Better Community

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DATE 12/07/18 BY: C1722

TO:

D Nathan



El Paso Police Department Citizen Complaint Form

WI: -

All spaces must be completed to process your complaint. Please fill out the back of this page

Today's Date: 02/03/15

Date of Incident: 02/03/2015	EPPD Case Number (If Known): -
Time of Incident: 1:45 AM / PM	
Location of Incident: 2005 TONY LAMA STREET	

COMPLAINANT INFORMATION

Name: MANNY ESTRADA	Date of Birth: [REDACTED]
Address: 11704 DICK MAYERS	Telephone: (915) 999-9916
Driver's License / I.D. No.: [REDACTED]	Social Security No.: [REDACTED]
Employer's Name: N/A	Employer's Phone: N/A
Employer's Address: N/A	Employer's Zip Code: N/A
Cellular Phone No.: (915) 999-9916	

ACCUSED EMPLOYEE(S)

1. ELIZALDE	2.
-------------	----

HAVE YOU REPORTED THIS INCIDENT TO ANYONE WITHIN THE EL PASO POLICE DEPARTMENT?

YES OR NO? Yes

IF YES, STATE WHO YOU NOTIFIED, WHEN AND WHERE

02 / 03 / 2015 OFFICER / SARGEANT J. ALFARER


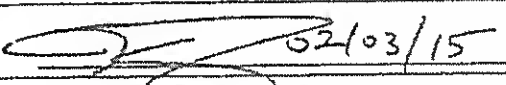
Please give a brief description of the incident.

ON FEB 03, 2015 ON OR ABOUT 1:45 P/M, I WAS DRIVING A MOTOR VEHICLE, TO WIT, A 1998 MERCEDES BENZ S320 DOWN TONY LAMA STREET SOUTHBOUND. I MADE A COMPLETE STOP ON THE INTERSECTION OF TONY LAMA ST AND CHINO ST. AFTER THE COMPLETE STOP WAS MADE, I MADE A RIGHT TURN ON CHINO ST AND SAW AN EPPD POLICE CRUISER VEHICLE, TO WIT, A FORD CROWN VICTORIA ON THE SIDE OF THE STREET PARKED STATIONERY, AS SOON AS I PASSED THE UNIT, THE OFFICER DRIVING THE

Mission Statement

It is the mission of the El Paso Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community to enhance the quality of life of the City of El Paso. Your complainant against our employee(s) is considered serious and will be actively pursued for any misconduct. For this reason, please ensure that your complaint is based upon fact and you have provided us with all the facts to the best of your ability.

I declare and affirm that my statement has been made by me voluntarily, without persuasion, coercion, or promise of any kind.

 Complainant Signature & Date 02/03/15	 Supervisor Signature & Date 02/03/15
--	--

EPPD 36-22-091
Revised - July 2009

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DATE: 2/07/18 BY: C1722 TO: D Nathan

WITNESS INFORMATION

Name:	Telephone: () -
Address:	

Name:	Telephone: () -
Address:	

ADDITIONAL INFORMATION

AFOREMENTIONED POLICE UNIT MADE A QUICK AND ABRUPT U-TURN AND CAME RIGHT BEHIND ME WITH THE WARNING LIGHTS ON TO SIGNAL ME TO STOP. I IMMEDIATELY PULLED OVER AND THE POLICE UNIT STARTED DOING TURNS OR SPINS BEHIND ME, THE OFFICER, TO WIT, MS OFFICER ELIZALPE CAME AT ME TOWARDS MY VEHICLE. THEN IN A VERY RUDE AND UNPROFESSIONAL MANNER, SHE ASKED ME FOR MY DRIVER'S LICENSE. AT THAT POINT I MADE IT CLEAR TO THE OFFICER THAT I WAS HAVING REALLY [REDACTED] PAINS IN MY HEART AREA MAINLY. THE OFFICER DID NOT TAKE MY CONCERN TOO SERIOUSLY AND I COULD NOT PRESENT HER MY LICENSE. SHE WAS STEADILY REQUESTING FOR MY I.D OR D.L... UNTIL I FINALLY PRESENTED IT TO HER WHILE I WAS CLINCHING MY CHEST. I WAS REQUESTING FOR E.M.S HELP OR AN AMBULANCE. OFFICER ELIZALPE WAS NOT TAKING MY PRE EXISTING MEDICAL CONDITION TOO SERIOUSLY. I HAVE A PRE-EXISTING MEDICAL CONDITION CALLED "CARDIO-ARRHYTHMIA". SHE WAS BEING VERY RUDE. I ASKED HER POLITELY WHY SHE HAD PULLED ME OVER AND SHE SAID, OR STATED I HAD "PASSED A STOP SIGN". I TOLD HER THAT I HAD NOT PASSED THE STOP SIGN! SHE SAID I DID BUT THE OFFICER'S VEHICLE WAS MORE THAN A FEW BLOCKS DOWN THE ROAD AND SHE COULDN'T POSSIBLY SEE THAT FAR AHEAD. I STARTED [REDACTED] AND SHE WAS NOT DOING ANYTHING TO ASSIST ME. SHE WAS MORE CONCERNED ABOUT ANY POSSIBLE MOTOR VEHICLE INFRACTIONS THAN MY HEALTH. SHE STATED THAT IF I WAS SEIZED "I SHOULD OF NEVER CAME OUT OF THE HOUSE". I TOLD HER I WASN'T SEIZED THAT I NEEDED MEDICAL ATTENTION. SHE THEN LEFT ME THERE IN MY VEHICLE AND WENT TO HER PATROL CAR TO RUN MY I.D. AFTER SHE CAME BACK SHE ADVISED ME THAT I WAS GETTING 4 VIOLATIONS BECAUSE I [REDACTED]

[Signature] 02/03/2015 [Signature] 02/03/15

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WITNESS INFORMATION

Name: _____ Telephone: () _____
 Address: _____

Name: _____ Telephone: () _____
 Address: _____

ADDITIONAL INFORMATION

... CONT... PRESENT HER PROOF IF MY VEHICLE INSURANCE, HAD EXPIRED TAGS, AND WAS IN VIOLATION OF MY CLASS A ENDORSEMENT IN MY DL AND I SUPPOSEDLY PASSED A STOP SIGN THEN OFFICER ELIZALDE ISSUED ME THE CITATIONS AND WAS MAKING ME FORCEFULLY SIGN THE TICKET, I TOLD OFFICER ELIZALDE THAT MY [REDACTED] AND COULDN'T WRITE, SHE WAS FORCING ME TO DO SO. I SIGNED THE CITATION AS MUCH AS I COULD, THEN SHE FINALLY ADVISED ME THAT EMS WAS ON THE WAY, SHE THEN WAITED FOR EMS TO ARRIVE AND WAS NOT EVEN CONCERNED ABOUT MY WELLBEING THEN EL [REDACTED]

[REDACTED] I ASKED THE OFFICER THAT IF I DO PROCEED CHOSE TO GO TO E.R. WHEN WILL MY CAR GET IMPOUNDED? SHE SAID NO, I WILL IMPOUND IT. I AM MAKING A FORMAL COMPLAINT AGAINST (YES) THE AFOREMENTIONED OFFICER FOR THE FALSE ALLEGATION THAT I DELIBERATELY PASSED A STOP SIGN AND FOR HER VERY NEGATIVE AND ABUSIVE BEHAVIOUR TOWARDS ME, THIS SAID IN FACT CAUSED ME TO BE PLACED IN OBVIOUS OR IMMEDIATE DANGER OR THREAT WITH THE WAY THE OFFICER HANDLED THE SITUATION, I HONESTLY FEEL THAT OFFICER ELIZALDE TOTALLY DISREGARDED MY IMMEDIATE EMERGENCY MEDICAL CONCERN AND WAS MORE CONCERNED HERSELF WITH ISSUING ME ANY CITATIONS THIS DAY I ATTEST THAT I SAID IN FACT DID NOT GIVE OFFICER ELIZALDE ANY PROBABLE JUST CAUSE TO PULL ME OVER IN THE FIRST PLACE, I AM HERE MAINLY BECAUSE THE AFOREMENTIONED OFFICER DID NOT TAKE MY [REDACTED] AND EMERGENCY SERIOUSLY AT ALL I COULD HAVE HAD AN [REDACTED] WITH THE WAY THE OFFICER APPROACHED ME

M. El 02/03/2015

[Signature] 2/3/15

EPPD 36-22-091
 Updated - 10/14

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EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT – COMPLAINANT

COMPLAINANT: Manny Estrada
ADDRESS: 11704 Dick Mayers
PHONE: (915)

This statement is given Sgt. Alferez #2617
voluntarily to: of the El Paso Police Department
By: Manny Estrada
D.O.B. [REDACTED]
Address: 11704 Dick Mayers
Phone: (915) 999-8816 W ()
DL/ID [REDACTED]
SS [REDACTED]
Date/Time: 02/03/2015 1516 hours

My name is Manny Estrada and I am 37 years of age. I am presently employed by , not employed, and have been so since March 2014. I am giving this statement voluntarily to Sgt Alferez. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On February 3rd 2015 on about 1:45 pm, I was driving a motor vehicle to wit, 1998 Mercedes Benz S320 down Tony Lama street southbound. I made a complete stop at the intersection of Tony Lama and Chino Street. After the complete stop was made, I made a right turn on Chino Street and saw an EPPD police cruiser vehicle, to wit, a Ford Crown Victoria on the side of the street parked stationary. As I soon as I passed the unit, the officer driving the afformention police unit made a quick and abrupt U-turn and came right behind with the warning lights on to signal me to stop. I immediately pulled over and the police unit started doing turns or spins behind me, the officer, to wit, Ms. Officer Elizalde came at me towards my vehicle. Then in a very rude and unprofessional manner she asked me for my driver's license. At this point i made it clear to the officer that i was having really [REDACTED] The officer did not take my concern too seriously and i could not present my license. She was sternly requesting for my ID or DL until i finally presented it to her while I was clinching my chest.

I was requesting for EMS help or an ambulance. Officer Elizalde was not taking my pre-existing condition too seriously. [REDACTED] She was being very rude. I asked politely why she had pulled me over and she said, or stated, I had passed the stop sign. I told her I had not passed the stop sign! She said I did but the officer's vehicle was more than a few blocks down the road and she could not possibly see that far ahead. I started [REDACTED] and she was not doing anything to assist me. She was more concerned about any possible motor vehicle infractions than my health. She stated that if I was scared I should have never come out of the house. I told her I was not scared that I needed medical attention. She then left me there in my vehicle and went to her patrol car to run my ID. After she came back she advised me that I was getting four violations because I failed to present her proof of my insurance, had expired tags, was in violation of my class A endorsement on my DL and I supposedly passed a stop sign. Then Officer Elizalde issued me the citations and was making me forcefully sign the ticket. I told Officer Elizalde that [REDACTED] and couldn't write. She was forcing me to do so. I scribbled the citation as much as I could. Then she finally advised me that EMS was on the way. She then waited for EMS to arrive and was not even concerned about my well being then either. [REDACTED]

[REDACTED] Officer Elizalde was notified that my blood pressure was abnormally high. I asked the officer that if I chose to go to ER will my car be impounded? She said yes I will impound it. I am making a formal complaint against the affirmation officer for the false allegation that I deliberately passed a stop sign and for her very negative and false abusive behavior towards me. This said in fact cause me to be placed in obvious or immediate danger or threat with the way the officer handled the situation. I honestly feel that Officer Elizalde totally disregarded my immediate emergency medical concern and was more concern herself with issuing me any citations this day. I attest that I said in fact did not give Officer Elizalde any probable just cause to pull me over in the first place. I am here mainly because the affirmation officer did not take my [REDACTED] and emergency seriously at all. I could have had an [REDACTED] with the way the officer approached me.


1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?

No. You asked me everything. You did.

2. Can you identify any other persons who might have information relative to this investigation?

Yeah the lady that was at the stage coach distribution center. She came out to see if everything was okay. I couldn't talk to get her name.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Subscribed and sworn to before me, the undersigned authority, on this 3 day of FEB, 2015.

NOTARY PUBLIC STATE OF TEXAS

Witness(s):





PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722 TO: D Nathan

El Paso Police Department External Investigations Report

Incident Entered By: SERGEANT Jose Alferez - 016667
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
2/4/2015	2/3/2015	12:56
Record ID #	Case #	IA #
31960		IA15-0074
Date/Time Entered		
2/4/2015 09:36		

Incident Summary

On date and times listed above, Mr. Manny Estrada walked into the station to file a complaint on Officer Elizalde. Mr. Estrada was upset that Officer Elizalde issued him four traffic citations (FTMFR, Restriction A, Passing Stop Sign, No MVR) after he advised Officer Elizalde he was having [REDACTED]. Mr. Estrada said he was upset that Officer Elizalde failed to disregard the tickets and stated Officer Elizalde was more concern about citing him rather than his physical health.

Mr. Estrada said he was driving southbound on Hawkins and made a right turn onto Tony Lama approaching a stop sign on Chino Street. Mr. Estrada stated he made a complete stop, looked both ways and observed a police mark unit at a complete stop about half a mile away. Mr. Estrada advised he passed right by the police unit at which time he observed the police unit make a rough U-turn like a doughnut and got behind his vehicle almost kissing his bumper. Mr. Estrada said he pulled into the Stage Coach parking lot and noticed the police unit drove around in circles twice before stopping behind his vehicle.

Mr. Estrada advised he continued to have [REDACTED] stating he cannot be easily startled, agitated and/or taunted. Mr. Estrada said when the police unit turned around and turned on the warning lights, his heart started beating really fast. Mr. Estrada stated Officer Elizalde approached him in a rude and hostile manner demanding to see his driver license and insurance. Mr. Estrada stated he told Officer Elizalde that he was having [REDACTED] and said Officer Elizalde told him that if he was scared he shouldn't have come out and if he was having [REDACTED] then he shouldn't be driving.

Mr. Estrada was adamant that he did make a complete stop and said he knew he was going to get a ticket for having expired tags. Mr. Estrada said he requested an ambulance to which Officer Elizalde told him she had already requested one and continued writing the citation. Mr. Estrada stated [REDACTED] which time Officer Elizalde asked him to sign the citation. Mr. Estrada advised he explained to Officer Elizalde that he couldn't sign and at that point Mr. Estrada stated Officer Elizalde placed the pen in his hand and had him sign the citation.

Mr. Estrada advised he overheard Officer Elizalde talking to EMS and at one point Officer Elizalde told them that he was faking it trying to get away from a ticket. Mr. Estrada said EMS [REDACTED] Mr. Estrada advised he refused to get transported because he did not want to get his vehicle impounded after Officer Elizalde told him she was going to impound his vehicle if he left it in the parking lot.

While meeting with Mr. Estrada, I noticed Mr. Estrada moving his arms and at times would raise his voice to demonstrate the interaction during the traffic stop. I advised him to calm down because he had stated earlier that he could not get agitated at which time he rubbed his hands on his chest and stated he still [REDACTED] Mr. Estrada stated he was going to go to Del Sol to get checked out once he was finished. I asked him if he needed EMS to which he stated he did not due to the fact that he did not have money to pay for the bill. I noticed Mr. Estrada rubbing his chest and making gestures as if it was hurting at which time I advised Mr. Estrada that EMS would be requested to check his vital signs and it was his decision if he desired to get transported to the hospital.

EMS (Rescue 29 and Pumper 26) arrived to check on Mr. Estrada. I was advised that Mr. Estrada's vital signs were normal/stable. I was also advised by EMS personnel (Mr. Ramos) that Mr. Estrada did not make any complaint of [REDACTED].

PUBLIC RECORDS INFORMATION
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PUBLIC INFORMATION ACT, (TX) § 552.001
DATE 12/07/18 BY: C1722 TO: D Nathan

I asked Mr. Estrada if he drove to the station with the vehicle he was cited to which he stated no. Mr. Estrada did mention that he had the insurance for the vehicle, a black 4D 1998 Mercedes S320, along with the citation. Mr. Estrada wanted me to look at the insurance to confirm the vehicle was insured and if possible scratch off the No Insurance on the citation. Mr. Estrada said if this was off, he would feel a lot better.

Mr. Estrada completed the Citizen's Complaint Form which he signed and I signed. The Administrative Statement Complaint form was completed which Mr. Estrada signed and was notarized in his presence. Mr. Estrada was given a copy of both the Citizen Complaint Form along with the Administrative Statement.

CAD notes of the traffic stop, CAD notes when EMS was requested to the station and Officer Elizalde's log sheet were obtained and scanned. Video from Unit V11095 was downloaded and submitted hard copy.

Incident Location

- 7100 Chino St, El Paso, TX 79915 - Location of Occurrence: El Paso

Reporting/Involved Citizen Information

Manny Estrada

DOB: [REDACTED] Race: Hispanic Ethnicity: Gender: Male

Address

- 11704 Dick Mayers, El Paso, TX

Phone

- (915) 999-9916

Citizen was homeless at time of their involvement: [No Response]

Citizen exhibited limited or no English language proficiency: [No Response]

Citizen's primary language: [No Response]

Citizen's sexual orientation if known: [No Response]

Citizen's gender expression if known: [No Response]

Citizen was experiencing mental crisis (Officer Assessment): [No Response]

Citizen was experiencing mental crisis (Self Reported): [No Response]

Citizen was armed at the time of incident: [No Response]

Role

-

Involved Officers

DETECTIVE Martina Elizalde - PD ID: 006688

Body Worn Camera: [No Response]

Role

-

Allegations linked to this officer

- Viol of Proc/Pol-Unprofessional Conduct-Discourtesy No Further Action a/p Chelf Allen 1/2/2015

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Type
2/4/2015	Officer Elizalde's 02/03/2015 log sheet	pdf
2/4/2015	cont...Officer Elizalde's 02/03/2015 log sheet	pdf
2/4/2015	Citizen Complaint Form	pdf
2/4/2015	Administrative Statement	pdf
2/4/2015	M. Estrada's TX DL	pdf
2/4/2015	Officer Elizalde's traffic stop: CAD notes	pdf
2/4/2015	EMS Request to MVRC: CAD Notes	pdf

Assignment History

Sent Dt	From	To
3/5/2015	LIEUTENANT Thomas Pena	(None Specified)
Assignment notes		
Released back to IAPro		
Email sent to receiver		
No email sent		

Chain of Command History

Routing #1	
Sent From:	SERGEANT Jose Alferez
Sent To:	LIEUTENANT Lucille Valenzuela
CC:	SERGEANT Arturo Ramirez, LIEUTENANT Lawrence Lujan
Sent Date/Time:	2/4/2015 10:22 AM
Instructions from SERGEANT Jose Alferez to LIEUTENANT Lucille Valenzuela:	
Lt., for your review.	
Comments/Response from LIEUTENANT Lucille Valenzuela:	
Approved: Not approved	
Reason: Further Information Needed	
Comments:	
See notes.	
Routing #2	

Sent From:	LIEUTENANT Lucille Valenzuela
Sent To:	SERGEANT Jose Alferez
CC:	(none)
Sent Date/Time:	2/10/2015 7:41 AM
Instructions from LIEUTENANT Lucille Valenzuela to SERGEANT Jose Alferez:	
Sgt. Alferez, there is no audio on this video. Verify that this is in fact true and check other stops to see if the mic is working.	
Comments/Response from SERGEANT Jose Alferez:	
Approved: Approved	
Reason:	
Comments:	
Lt., when I downloaded and reviewed the video using the same computer used to download, I was not able to hear the audio. I noticed the indicators for the mic (M) and lights (L) were activated. However, when I used the computer at the front desk, I was able to hear the audio.	

Routing #3	
Sent From:	SERGEANT Jose Alferez
Sent To:	LIEUTENANT Lucille Valenzuela
CC:	LIEUTENANT Lawrence Lujan, SERGEANT Arturo Ramirez
Sent Date/Time:	2/10/2015 2:21 PM
Instructions from SERGEANT Jose Alferez to LIEUTENANT Lucille Valenzuela:	
When I downloaded and reviewed the video using the same computer used to download, I was not able to hear the audio but did noticed the indicators for the mic (M) and lights (L) were activated. However, when I used the computer at the front desk, I was able to hear the audio.	
Comments/Response from LIEUTENANT Lucille Valenzuela:	
Approved: Approved	
Reason:	
Comments:	
See notes.	

Routing #4	
Sent From:	LIEUTENANT Lucille Valenzuela
Sent To:	ASST CHIEF Victor Zarur
CC:	(none)
Sent Date/Time:	2/12/2015 11:33 AM
Instructions from LIEUTENANT Lucille Valenzuela to ASST CHIEF Victor Zarur:	
The video of the stop was reviewed and the following was learned: The probable cause for the stop is visible on the video; the offender did not stop at the stop sign. During the stop Officer Elizalde can be heard engaging in conversation with the offender that could possibly be perceived as argumentative, this also includes comments which may contain belittling undertones and she often speaks over the offender. The offender on more than one occasion requests to speak to a supervisor and this request is denied and the offender is advised to go to the station, he does come to the station later and EMS is again called to address the offender's possible health issues. This stop was conducted in a private lot and when approached at the end of the stop Officer Elizalde advises an unknown person to tell driver to "get the hell out of here." It is recommended that this incident be forwarded to Internal Affairs.	
Comments/Response from ASST CHIEF Victor Zarur:	
Approved: Approved	
Reason:	
Comments:	
I met with Lt. L. Valenzuela on this case and concur with the recommendation that IAD handle. Chief the dvd will be forwarded with the hard copy case on the next mail run to your office.	

Routing #5	
Sent From:	ASST CHIEF Victor Zarur
Sent To:	ASST CHIEF Peter Pacillas

PUBLIC RECORDS INFORMATION
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PUBLIC INFORMATION ACT (TX) § 552

CC:	LIEUTENANT Maryann Estrada, SERGEANT Michael Kaprosy, OFFICER Estela Salas
Sent Date/Time:	2/17/2015 12:24 PM
Instructions from ASST CHIEF Victor Zarur to ASST CHIEF Peter Pacillas:	
Please see comments	
Comments/Response from ASST CHIEF Peter Pacillas:	
Approved: N/A	
Reason:	
Comments: Routing was NOT handled in BlueTeam. The incident was forwarded into IAPro by IAPro user LIEUTENANT Thomas Pena	

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

LIEUTENANT Lucille Valenzuela

SERGEANT Jose Alferez

ASST CHIEF Victor Zarur

ASST CHIEF Peter Pacillas

Page 1 of 4



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



DATE 02/03/15	UNIT DESIGNATION 5781	DIVISION Det 1	SHIFT 1	
NO. 1 OFFICER ELUEN		I.O. NO. 187	NO. 2 OFFICER — I.D. NO.	
VEHICLE NO. V1095	RADIO NO. 1817	SHOTGUN NO. —	DAY Tuesday	
TIME ON DUTY TIME OUT: 6:15 TIME IN: 5:55 1:10	MILEAGE ENDING: 074 STARTING: 03,068 TOTAL: 56	ASSIGNED SUPERVISOR Sgt Alper	TASER NO. 25515	TASER NO. —
			SUPERVISOR SIGNATURE 	

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR <input checked="" type="checkbox"/>	EXTERIOR <input checked="" type="checkbox"/>	TIRES <input checked="" type="checkbox"/>	REDLIGHTS <input checked="" type="checkbox"/>	SIREN <input checked="" type="checkbox"/>	SPOTLIGHT <input checked="" type="checkbox"/>	SPARE <input checked="" type="checkbox"/>	FLARES <input checked="" type="checkbox"/>
JACK/LUG WRENCH <input checked="" type="checkbox"/>	BLANKET <input checked="" type="checkbox"/>	FINGERPRINT KIT <input checked="" type="checkbox"/>	FIRST AID KIT <input checked="" type="checkbox"/>	DEFIBRILLATOR <input checked="" type="checkbox"/>	CAMERAS <input checked="" type="checkbox"/>	REFLECTIVE VEST <input checked="" type="checkbox"/>	IN CAR VIDEO MIC <input checked="" type="checkbox"/>
OTHER (LIST) No PH Sticker?				FLUID CHECK N/A	AIR CARD 03-3-15	Wally	
REMARKS							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

		CALL FOR SERVICE		CITATIONS				ARRESTS			
CP Contacts/Problems Identification	— CP	Dispatch	Observed	Hazard H	'8	'2	Radar Cit.	— RC	Felony	— F	
Persons Checked (Adults)	14 P	Patrol	1	2	Non-Haz NH	19	2	Red Light	Class "A"	— AA	
Juveniles Checked	— J	Traffic	1	8	Class C C	—	1	School Zone	— SZ	Class "B"	— AB
Vehicle Checked	12 V	Comm. Policing	—	—	Parking PK	2	2	Un-restrained Child	2	Class "C"	— AC
LPR Vehicle checks	—	Admin	—	2	Curfew	Juv	—	Traffic Focus	2	TOTAL	—
LPR Hits	—	Reports	Off #1	Off #2	Muni. Code Viol	—	—	Stop Sign	4	DWI	—
Accident Inv.	1 AI	Inc Rpt	1	—	Speed	—	—	Seatbelt	—	Felony	—
Accident Adv.	— AV	Traffic Rpt	1	—	Cell Phone Adv	—	—	Call Phone Cit	—	Misd	—
								Traffic Stop Arrests			
								Minor Detectable			

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer ELUEN No. 2 Officer —

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	OIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
05:30	07:07	65/65	MURC	17	Shift Meeting / Insp. w/ 114 w/ working -> T67 /	
					Damage digital device MUR/108	
T1	07:30		900 Lee Thomas	85	[Redacted] / [Redacted] 5-2-7	50
					8461 (airline #94) [Redacted] / Stop address	
	07:38	10/75			#18-221263 / [Redacted]	
T2	07:40		1000 Kallott	85	37 / [Redacted] / Angel Morales	
					73152 / [Redacted] / [Redacted] / [Redacted] / [Redacted]	602
	07:50	10/85			address, 111) 11-291264 / 108	
U1	07:50	07/90	1001 Kallott - NDS	85	Parking sidewalk / [Redacted] / [Redacted]	
TD1	07:57		8861 Bouvier	96	81-83 Valencia / Martha Morales	

215-0340287
→ no 81-83 → 81

EPPD 36-22-110

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE 12/07/18 BY: C1722 TO: D Nathan



EL PASO POLICE DEPARTMENT
DAILY ACTIVITY REPORT



DATE 02/03/15	UNIT DESIGNATION 57781	DIVISION NARC	SHIFT 1	
NO. 1 OFFICER E. Miller		I.O. NO. 1817	NO. 2 OFFICER —	
VEHICLE NO. V11095	RADIO NO. 1817	SHOTGUN NO. —	DAY Tuesday	
TIME ON DUTY	MILEAGE	ASSIGNED SUPERVISOR	TASER NO. 055315	TASER NO. —
TIME OUT: /	ENDING: /	Sgt Alferez	SUPERVISOR SIGNATURE [Signature]	
TIME IN: /	STARTING: /			
	TOTAL:			

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR <input type="checkbox"/>	EXTERIOR <input checked="" type="checkbox"/>	TIRES <input type="checkbox"/>	REDLIGHTS <input type="checkbox"/>	SIREN <input type="checkbox"/>	SPOTLIGHT <input type="checkbox"/>	SPARE <input type="checkbox"/>	FLARES <input type="checkbox"/>
JACK/UG <input type="checkbox"/>	BLANKET <input type="checkbox"/>	FINGERPRINT <input checked="" type="checkbox"/>	FIRST AID KIT <input type="checkbox"/>	DEFIBRILLATOR <input type="checkbox"/>	CAMERAS <input type="checkbox"/>	REFLECTIVE VEST <input type="checkbox"/>	IN CAR VIDEO MIC <input type="checkbox"/>
OTHER (LIST) <input type="checkbox"/>				FLUID CHECK <input type="checkbox"/>	AIR CARD <input type="checkbox"/>		
REMARKS <input type="checkbox"/>				<input type="checkbox"/>			

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-In vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

		CALL FOR SERVICE			CITATIONS					ARRESTS		
CP Contacts/Problems Identification	CP		Dispatch	Observed	Hazard H	1	2	Radar Cit.	RC	Felony	F	
Persons Checked (Adults)	P	Patrol			Non-Haz NH	1	2	Red Light		Class "A"	AA	
Juveniles Checked	J	Traffic			Class C C	1	2	School Zone	SZ	Class "B"	AB	
Vehicle Checked	V	Comm. Policing			Parking PK	1	2	Un-restrained Child		Class "C"	AC	
LPR Vehicle checks		Admin			Curfew	Juv	Parent	Traffic Focus		TOTAL		
LPR Hits		Reports	Off #1	Off #2	Munl. Code Viol			Stop Sign		DWI	Felony	Misd
Accident Inv.	AI	Inc Rpt			Speed			Seatbelt		Traffic Stop Arrests		
Accident Adv.	AV	Traffic Rpt			Cell Phone Adv			Cell Phone Cit		Minor Detectable		

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer 1812 No. 2 Officer 1812

	TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
				Continued from Page 1			
P1	14 30			210 East / Airway	81	T.H. → Debris (Box?) on roadway/crk from	
	—	14 45	10 / 445	—	—	Gerardo to Giles - 11.12.14	
TJ1	14 50	15 00	15 / 460	Castner / Zaragoza	87	81-2x vld poss. inj. / Handled by #2 Shift / Navarre / W	
A1	15 00	15 20	20 / 480	MURC	87	Logbook / Equip / upload parking photos / W	
A2	15 20			MURC	87	Enter only 10 Mile in insurance Tension report	
	—	15 45	25 / 505	—	—	as per Sgt Romaner / 108	

EPPD 36-22-110

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DATE: 12/07/18 BY: C1722 TO: D Nathan

1182

Event Search

Event Date Event Time
02/03/15 12:56:14

Event Number: P2015059072

<u>Agency</u>	<u>Type</u>	<u>Subtype</u>	<u>ESZ</u>	<u>Area</u>	<u>Group</u>
EPFD	FIREMEDICAL	PDREQFMS	441	14	FIRE
EPPD	OV	TRAFFIC	8132	81	8

Location: 7167 CHINO DR , Apt: , Mun: EP

Comments:
Xstreets: COPPER QUEEN DR
TONY LAMA ST

Caller Name:
Caller Addr:
Caller Phone:
Call Source: OFFICER

Remarks:
Field Event
** LOI search completed at 02/03/15 12:56:28
** VEH search completed at 02/03/15 12:56:29
** Event Location changed from "7100 CHINO DR EP" to "7167 CHINO DR EP" at:
02/03/15 12:59:08
** >>>> by: ELSA HINOJOS on terminal: pd5
** LOI search completed at 02/03/15 12:59:32
ST781- [REDACTED]
RQ FMS
** Case number R15007116 has been assigned to event F2015018687
** >>>> by: 1019767 on terminal: flac1
ST781 -- INFO 1
** Event Type changed from FIREMISC(CLONE) to FIREMEDICAL(PDREQFMS) at:
02/03/15 13:02:26
** >>>> by: JANET ESTRELLA on terminal: flac1
R14 -- CANX Q20
ACK
BM ACK

Times:

2/4/2015 6:34:06 AM

Event_Search

Page 1

<u>Add</u>	<u>Dispatch</u>	<u>Arrive</u>	<u>Close</u>	<u>Closing ID</u>	<u>C Terminal</u>	<u>Comments</u>
12:59:15	13:01:11	13:06:36	13:23:01	1018802	mtac1	
12:56:14	12:56:14	12:56:15	13:28:22	1020069	pd7	

<u>Case Number</u>	<u>Event Number</u>
R15007116	F2015008687

<u>Units</u>	<u>Car ID</u>
5T781	V11095

disposition
CIT

Background Event Chronology

Event Number: P2015059072

Date	Time	Term	Operator	Action
02/03/15	12:56:14	pd5	1006669	<p>EVENT CREATED: Location= 7100 CHINO DR EP . Cross Streets= COPPER QUEEN DR / TONY LAMA ST . Call Source= OFFICER Agency= EPPD , Group= 8 , Beat= 81 , Status= P , Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP Agency= EPPD , Group= 8 , Beat= 81 , Status= P , Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP Agency= EPPD , Group= 8 , Beat= 81 , Status= P . Priority= 4 , ETA= 0 , Hold Type= 0 . Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP Unit= 5T781 , Status= DP , Location= 7100 CHINO DR EP , Employee= 10181</p>
02/03/15	12:56:15	pd5	1006669	<p>Agency= EPPD , Group= 8 , Beat= 81 , Status= A , Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP Agency= EPPD , Group= 8 , Beat= 81 , Status= A . Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP Agency= EPPD , Group= 8 , Beat= 81 , Status= A . Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP Agency= EPPD , Group= 8 , Beat= 81 , Status= A , Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP SUPP INFO CREATED: VEHIC: , License Number= BBM7601 , Unit= 5T781 Unit= 5T781 , Status= S , Location= 7100 CHINO DR EP , Employee= 101817</p>

2/3/2015 6:34:50 AM

Event_Chronology

Page 1

Date	Time	Term	Operator	Action
02/03/15	12:59:08	pd5	1006669	EVENT UPDATED: Location= 7167 CHINO DR EP , Cross Streets= COPPER QUEEN DR / TONY LAMA ST , Call Source= OFFICER Agency= EPPD , Group= 8 , Beat= 81 , Status= A , Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP
02/03/15	12:59:15	pd5	1006669	Agency= EPPD , Group= FIRE , Beat= 14 , Status= P , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Member= 1 , Current= F , Open = T , Type Code= FIREMISC - MISCELLANEOUS , SubType Code= CLONE - CLONED EVENT
02/03/15	12:59:33	pd5	1006669	EVENT COMMENT= 5T781 / MALE CLAIMING HEART CONDITION
02/03/15	12:59:36	pd5	1006669	EVENT COMMENT= RQ FMS
02/03/15	13:01:11	ftac1	1019767	Agency= EPPD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= F , Open = T , Type Code= FIREMISC - MISCELLANEOUS , SubType Code= CLONE - CLONED EVENT
02/03/15	13:01:31	pd5	1006669	EVENT COMMENT= 5T781 -- INFO 1
02/03/15	13:01:49	pd5	1006669	Unit= 5T781 , Status= SX , Location= 7100 CHINO DR EP , Employee= 101817
02/03/15	13:02:19	SR14	10030	Agency= EPPD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= F , Open = T , Type Code= FIREMISC - MISCELLANEOUS , SubType Code= CLONE - CLONED EVENT
02/03/15	13:02:26	ftac1	1019767	EVENT UPDATED: Location= 7167 CHINO DR EP , Cross Streets= COPPER QUEEN DR / TONY LAMA ST , Call Source= OFFICER EVENT UPDATED: Location= 7167 CHINO DR EP , Cross Streets= COPPER QUEEN DR / TONY LAMA ST , Call Source= OFFICER Agency= EPPD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= F , Open = T , Type Code= FIREMEDICAL - MEDICAL , SubType Code= PDREQFMS - PD REQUEST FMS Agency= EPPD , Group= 8 , Beat= 81 , Status= A , Priority= 4 , ETA= 0 , Hold Type= 0 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFIC - TRAFFIC STOP
02/03/15	13:02:27	ftac1	1019767	Agency= EPPD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= F , Open = T , Type Code= FIREMEDICAL - MEDICAL , SubType Code= PDREQFMS - PD REQUEST FMS

2/4 2015 6:34:50 AM

Event_Chronology

Page 2

Date	Time	Term	Operator	Action
02/03/15	13:06:36	SR14	10030	Agency= EPFD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= F , Open = T , Type Code= FIREMEDICAL - MEDICAL , SubType Code= PDREQFMS - PD REQUEST FMS
02/03/15	13:09:45	mtac1	1018802	EVENT COMMENT= R14 -- CANX Q20 ACK
02/03/15	13:09:52	mtac1	1018802	Agency= EPFD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= F , Open = T , Type Code= FIREMEDICAL - MEDICAL , SubType Code= PDREQFMS - PD REQUEST FMS
02/03/15	13:11:17	sc2	0	Unit= 5T781 , Status= - , Comment= System Unit Alarm Location= 7100 CHINO DR EP , Employee= 101817
02/03/15	13:14:23	pd7	1020069	Unit= 5T781 , Status= 2U , Comment= Alarm Timer Extended: 15 , Location= 7100 CHINO DR EP , Employee= 101817
02/03/15	13:17:01	mtac1	1018802	EVENT COMMENT= BM ACK
02/03/15	13:23:01	mtac1	1018802	Agency= EPFD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= F , Open = T , Type Code= FIREMEDICAL - MEDICAL , SubType Code= PDREQFMS - PD REQUEST FMS
				Agency= EPFD , Group= FIRE , Beat= 14 , Status= A , Priority= 1 , ETA= 0 , Hold Type= 0 , Primary Unit= Q20 , Primary Member= 10043 , Current= T , Open = F , Type Code= FIREMEDICAL - MEDICAL , SubType Code= PDREQFMS - PD REQUEST FMS
02/03/15	13:28:21	pd7	1020069	EVENT CLOSED: Agency= EPPD , Group= 8 , Beat= 81 , Status= A , Priority= 4 , ETA= 0 , Hold Type= 0 , Primary Unit= 5T781 , Primary Member= 101817 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFFIC - TRAFFIC STOP
				Agency= EPPD , Group= 8 , Beat= 81 , Status= A , Priority= 4 , ETA= 0 , Hold Type= 0 , Primary Unit= 5T781 , Primary Member= 101817 , Current= F , Open = T , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFFIC - TRAFFIC STOP
02/03/15	13:28:22	pd7	1020069	Unit= 5T781 , Status= A , Employee= 101817 Disposition Assigned= CIT Agency= EPPD , Group= 8 , Beat= 81 , Status= A , Priority= 4 , ETA= 0 , Hold Type= 0 , Primary Unit= 5T781 , Primary Member= 101817 , Current= T , Open = F , Type Code= OV - OFFICER INITIATED CALLS , SubType Code= TRAFFIC - TRAFFIC STOP

2/4 2015 6:34:50 AM

Event_Chronology

Page 3

<u>Date</u>	<u>Time</u>	<u>Term</u>	<u>Operator</u>	<u>Action</u>
EVENT CLOSED:				

2/4/2018 6:34:30 AM

Event_Chronology

Page 4

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/07/18 BY: C1722 TO: D Nathan

Romero

Event Search

Event Date Event Time
02/03/15 14:33:00

Event Number: F2015008712

<u>Agency</u>	<u>Type</u>	<u>Subtype</u>	<u>ESZ</u>	<u>Area</u>	<u>Group</u>
EPFD	FIREMEDIC	APDREQFMS	650	35	FIRE

Location: 9011 ESCOBAR DR , Apt: , Mun: EP

Comments: : @MVRCC
Xstreets: N ZARAGOZA RD
TIO DINK IR

Caller Name VALLEY DESK
Caller Addr:
Caller Phone:
Call Source: OFFICER

Remarks:

** LOI search completed at 02/03/15 14:33:08

MODE: MFI

PATIENT

** Case number R15007131 has been assigned to event F2015008712

** >>>> by: 1019767 on terminal: ftac1

** Recommended unit P26 for requirement FIRST IN (3.0 min)

** Response plan EPFD PUMPER override set for alarm level 1

** Response plan EPFD MEDICP RESPONSE override set for alarm level 1

** Recommended unit R29 for requirement TRANSPORT WITH PARAMEDIC (3.0 min)

** 1ST B/M R29 ACK

Times:

<u>Add</u>	<u>Dispatch</u>	<u>Arrive</u>	<u>Close</u>	<u>Closing ID</u>	<u>Terminal</u>	<u>Comments</u>
14:33:00	14:33:48	14:40:35	14:57:07	10066	R29	

<u>Case Number</u>	<u>Event Number</u>
R15007131	F2015008712

2/4/2015 6:55:11 AM

Event_Search

Page 1

Units	Car ID
P26	11171
R29	12122

disposition

ASSNCASE

00

PTREF

2/4/2015 6:55:31 AM

Event_Search

Page 2

PUBLIC RECORDS INFORMATION
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HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 2/07/18 BY: C1722 TO: D Nathan

IA15-0235

PRELIMINARY INFORMATION DOCUMENT

DOI: 04-18-2015
100th Day: 12-03-2105
180th Day: 10-15-2015

RR

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



Original

EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT

Administrative Case #: IA15-0235

Location of Incident 3280 Joe Battle		Date of Incident 04-18-2015		Allegation Code	
Complainant Hiram Gonzalez		Address 3705 Deer Grass		Phone 355-1671	
Noted on Supervisor's Log By/Date Sgt. A. Ramirez 04-20-2015		PID Initiation Approved By/Date Sgt. J. Poust #2451 09-01-2015			
Employee(s) Involved:	ID #	Division	On Probation?	Type of Probation / Date Probation Ends	
1. Ofc. Martina Elizalde	1817	MVRC	No		
2.					
3.					
Employee Witness(s):					
Brief Explanation of Events: This Preliminary Information Document is being generated to document that the involved employees are alleged to have violated Department Policy and Procedure, Rules and Regulations, and any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.					
Signatures:					
Supervisor Initiating Report: Jeremiah Poust #2451		Rank/Position Sergeant		Date/Time 09-01-2015 12:12 p.m.	
Shift/Section Commander		Recommendation			
Division Commander		Recommendation			
Bureau Commander		Recommendation			
Final Disposition:					
1.					
2.					
3.					
Signature of Employee 1817		Date/Time 10/12/15 0900			

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

IA15-0235

CASE SUMMARY

RR

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO

12/10/18 C1722

D Nathan



CASE SUMMARY REPORT
 El Paso Police Department
 Internal Affairs Division

Case No.: IA15-0235
 Allegation: Administrative
 Complainant: Hiram Gonzalez

I. INFORMATION

Date of Incident: April 18, 2015
 Date Reported: April 20, 2015
 Date Received in IAD: August 25, 2015
 Location of Incident: 900 Burgundy/9200 Iberia
 Time of Incident: 12:15 PM

II. DISCIPLINARY TIME TABLES

There are no criminal allegations in this investigation. Therefore, the 180 day rule is applicable for disciplinary action, if any in this case. The 180th day is October 15th, 2015.

III. ALLEGATIONS

Allegation #1: It is alleged that on or about April 18th, 2015, Officer Martina Elizalde #1817, violated Department policies, procedures, rules and /or regulations by:

- a. Making unprofessional comments during a traffic investigation.

IV. FACTS NOT IN DISPUTE

- The alleged incident occurred in the MVRC district on April 18, 2015.
- On or about April 18th, 2015 Officer M. Elizalde #1817 was dispatched to a two vehicle collision at the intersection of Burgundy St. and Iberia St.
- Officer Elizalde #1817 was working solo as 1S181 in marked unit #V11100 and in full police uniform.
- The first vehicle was a 1997 Blue in color Ford Escort bearing [REDACTED] plates [REDACTED], driven by Maria Alba of 850 Burgundy #135, El Paso, Texas, 79907.
- The second vehicle was a Maroon in color Toyota Tacoma bearing [REDACTED] plates of [REDACTED], driven by the Complainant Hiram Gonzalez of 3705 Deer Grass, El Paso, Texas 79936.
- The Complainant was transported to Sierra Medical East prior to Officer Elizalde's arrival.
- Officer Elizalde followed up at Sierra Medical East to make contact with the Complainant.
- Officer Elizalde gathered the Complainant's version of events at Sierra Medical East.
- Officer Elizalde wrote citation #18-805992 to the Complainant for Failure to Yield Right of Way at a Controlled Intersection.
- Officer Elizalde completed CRASH report #15-108099 for the accident.
- On April 20th, 2015, the Complainant walked into the MVRC and spoke to Sgt. Arturo Ramirez and made a formal Citizen's Complaint.

Page 1 of 4

PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

V. TIME LINE OF EVENT

- On April 18th, 2015 at 12:15 PM a two vehicle collision was called into the 911 call center at the intersection of Burgundy and Iberia streets.
- 12:31 PM Officer M. Elizalde #1817 was dispatched to Burgundy and Iberia in reference to the two vehicle accident.
- 12:38 PM Officer Elizalde arrived on scene.
- 12:35 PM One of the involved drivers was transported to Sierra Medical East prior to Officer Elizalde's arrival by FMS unit Rescue 26.
- 13:39 hours Officer M. Elizalde followed up at Sierra Medical East to meet with the transported driver.
- 14:24 hours Officer M. Elizalde #1817 completed her on scene investigation and went 10-8 (back in service).

VI. RELEVANT POLICIES, PROCEDURES, RULES & APPLICABLE LAW

The issues in the investigation revolve around the conduct of Officer Martina Elizalde #1817, at the time of the events at issue in the administrative case. As such, the relevant policies, procedures, rules, regulations and applicable law are as follows:

- Section 0-406 *et seq.*, El Paso Police Department Procedures Manual
- Rule 27, El Paso Police Department Procedures Manual Addendum, Rules and Regulations.
- City of El Paso Civil Service Rule 8 *et seq.*
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

VII. VIDEO

No Video for event

VIII. INVOLVED INDIVIDUALS

1. Complainant: Hiram Gonzalez
2. Accused Employee Officer Martina Elizalde #1817 was given timely notice of this investigation. She was provided with her applicable rights and interviewed on or about 10-12-2015. She did not have association representation during the interview.

IX. EVIDENCE/PHOTOGRAPHS/MVR/VIDEOS, ETC.

- Entire case file for administrative case #IA15-0235.
- All sworn statements received from sworn witness officer and the accused sworn officer filed under administrative case #IA15-0235.
- CRASH report #15-108099.
- Copy of citation #18-805992.

X. NOTES

08-25-2015: Undersigned was assigned case.

08-31-2015 @1400 hours: Undersigned made contact with Hiram Gonzalez to schedule appointment to sign a release of medical records form. Mr. Gonzalez agreed to meet on 09-01-2015 @ 1200 PM.

Page 2 of 4

PUBLIC RECORDS INFORMATION
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DATE: BY: TO:

IA15-0235

09-01-2015@1030 hours: Undersigned obtained log sheet for A/E Elizalde from MVRC.
09-01-2015 @1200 hours: Undersigned sent out First notice, and Rights and Responsibilities forms through inter office mail to A/E Elizalde.
09-01-2015 @1230: Undersigned was scheduled to meet with Complainant at 1200 hours however Complainant never showed up. Undersigned called Complainant and Complainant admitted he had forgot about his appointment and asked to reschedule at 9am on 09-02-2015. Appointment was rescheduled.
09-02-2015 @1021 hours: Undersigned had the complainant scheduled to come in to the IA office at 0900 to sign a medical release authorization form. Complainant never showed as of 1020 hours.
09-09-2015 @1454: Undersigned received signed Notification of Allegations and First Notice Form from A/E Elizalde #1817.
09-16-2015 @1500: Undersigned completed case and sent case to Sgt. Poust for review.
10-07-2015 @1400 hours: Case was returned for further follow up.
10-12-2015 @0900 hours: Officer Elizalde came into the IA office for a Sworn Statement of Accused and signed PID.
10-12-2015 @1450 hours: Undersigned completed case and sent case to Sgt. Poust for review.

SUBMITTED BY: Detective Robert Romero #2276

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PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

12/10/18 C1722

D Nathan



Original

EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT

Administrative Case #: IA15-0235

Location of Incident 3280 Joe Battle		Date of Incident 04-18-2015		Allegation Code	
Complainant Hiram Gonzalez		Address 3705 Deer Grass		Phone 355-1671	
Noted on Supervisor's Log By/Date Sgt. A. Ramirez 04-20-2015		PID Initiation Approved By/Date Sgt. J. Poust #2451 09-01-2015			
Employee(s) Involved:	ID #	Division	On Probation?	Type of Probation / Date Probation Ends	
1. Ofc. Martina Elizalde	1817	MVRC	No		
2.					
3.					
Employee Witness(s):					
Brief Explanation of Events: This Preliminary Information Document is being generated to document that the involved employees are alleged to have violated Department Policy and Procedure, Rules and Regulations, and any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.					
Signatures:					
Supervisor Initiating Report: Jeremiah Poust #2451		Rank/Position Sergeant		Date/Time 09-01-2015 12:42 p.m.	
Shift/Section Commander		Recommendation			
Division Commander		Recommendation			
Bureau Commander		Recommendation			
Final Disposition:					
1. ALLEGATION #1 a. > Chief Allen 10/13/15					
2. b. > Not Sustained					
3.					
Signature of Employee 1217		Date/Time 10/12/15 0900			

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE: BY: TO:

Poust, Jeremiah

From: Poust, Jeremiah
Sent: Thursday, October 15, 2015 11:48 AM
To: Elizalde, Martina
Cc: Callan, Jennifer F; Hernandez, Ignacio; Pacillas, Peter
Subject: Notice of Disposition IA15-0235

Officer Elizalde,

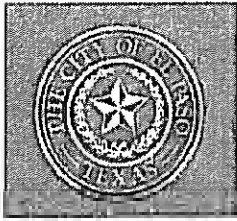
This is your formal notice that the above referenced administrative case was reviewed by the Chief's Office and disposition was rendered in the same. Based on the evidence, the disposition is as follows:

Allegation #1 a and b)-Unprofessional conduct-Not sustained.

Should you have any questions feel free to contact me at the below listed number.

Respectfully,

*Sgt. Jeremy Poust #2451
El Paso PD Internal Affairs Division
211 N. Florence #205
El Paso TX 79901
(915) 212-4986*



El Paso Police Department

Mayor
Oscar Leoser

October 14, 2015

City Council

Mr. Hiram Gonzalez
3705 Deer Grass
El Paso, Texas 79936

District 1
Peter Svarzbein

RE: Administrative Case #IA15-0235

District 2
Larry Romero

Dear Mr. Gonzalez:

District 3
Emma Acosta

Your complaint of misconduct against employees of the El Paso Police Department was thoroughly investigated by the Internal Affairs Division and presented to the Discipline Review Board. The Discipline Review Board reviewed the entire case and rendered a disposition in the same. Based on the administrative investigation, the evidence did not support a finding of misconduct by the involved officers.

District 4
Carl L. Robinson

District 5
Dr. Michael R. Noe

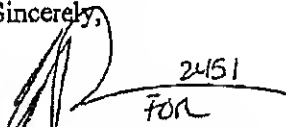
Thank you for bringing this matter to our attention. We look to the community for partnership in our continuing efforts to improve the professionalism of the El Paso Police Department. If you should have any further questions or concerns regarding this case, you may call the Internal Affairs Division (212-0157) and speak with a supervisor.

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Coriney C. Niland

Sincerely,


Jennifer F. Callan
Director, Professional Accountability
Internal Affairs Division

City Manager
Tommy Gonzalez

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

"Delivering Outstanding Services"

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DATE: BY: TO:

IA15-0235

COMPLAINANT STATEMENT(S)

RR

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan



El Paso Police Department Citizen Complaint Form

WI: -

All spaces must be completed to process your complaint. Please fill out the back of this page.

Today's Date: 4/20/15

Date of Incident: 4/18/15
Time of Incident: 12:15 AM PM
Location of Incident: Emergency / Mercedes

EPPD Case Number (If Known): -

COMPLAINANT INFORMATION

Name: Hiram Guizolde
Address: 3205 Deer Grass
Date of Birth: [REDACTED]
Telephone: (915) 355-1671

Driver's License / I.D. No.: [REDACTED] Social Security No.: [REDACTED]
Employer's Name: Self Employed
Employer's Phone: (915) 355-1671
Employer's Address: 3205 Deer Grass
Employer's Zip Code: 79936
Cellular Phone No.: (915) 355-1671

ACCUSED EMPLOYEE(S)

1. Officer Elizalde #1817
2.

HAVE YOU REPORTED THIS INCIDENT TO ANYONE WITHIN THE EL PASO POLICE DEPARTMENT?

YES OR NO? Yes

IF YES, STATE WHO YOU NOTIFIED, WHEN AND WHERE

1. Sgt. Ramirez

Please give a brief description of the incident.

I was in a car accident, was taken to Hospital before Police officers showed up to scene. Officer Elizalde went to hospital to get my side of story and told me she was giving me a ticket for not making a stop. I proceeded to ask how she was making the conclusion and she told me she was not a witness but she had to give someone a ticket. I continued to ask her a police way (my wife was sitting next to me) how are you coming to the conclusion that I did not make a stop if you just said Mission Statement

It is the mission of the El Paso Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community to enhance the quality of life of the City of El Paso. Your complaint against our employee(s) is considered serious and will be actively pursued for any misconduct. For this reason, please ensure that your complaint is based upon fact and you have provided us with all the facts to the best of your ability.

I declare and affirm that my statement has been made by me voluntarily, without persuasion, coercion, or promise of any kind.

Complainant Signature & Date
4/20/15

Supervisor Signature & Date
4-20-2015

EPPD 36-22-091
Revised - July 2009

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

WITNESS INFORMATION

Name:	Telephone: () -
Address:	

Name:	Telephone: () -
Address:	

ADDITIONAL INFORMATION

you were not a witness, she responded "you know what Sir by your reason I wouldn't even be taking" I responded you cannot make a conclusion like that base on my record, that is illegal, she responded your are under the influence of a concussion and walked out.

EPPD 36-22-091
Revised - July 2009

PUBLIC RECORDS INFORMATION
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DATE: BY: TO:



EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT - COMPLAINANT

COMPLAINANT: Hiram Gonzalez

ADDRESS: 3705 Deer Grass

PHONE: 355-1671

This statement is given voluntarily to: Sgt Arturo Ramirez
of the El Paso Police Department

By: Hiram Gonzalez

D.O. [REDACTED]

Address: 3705 Deer Grass, 79936

Phone: H (915) 355-1671 W ()

DL/ID # [REDACTED]

SSN [REDACTED]

Date/Time: 04/20/2015 / 1120 hours

My name is Hiram Gonzalez and I am 37 years of age. I am presently employed by Self employed/contractor and have been so since 2011. I am giving this statement voluntarily to Sgt Arturo Ramirez #1961. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On 04/18/2015 at 1215 hours, I was involved in an accident at the intersection of Burgundy and Iberia. I was transported to Sierra East prior to the Officer showing up. Officer Elizalde later showed up at the hospital to get my side of the story. Officer Elizalde told me that she was going to give me a ticket for not stopping at the intersection. I asked Officer Elizalde how she came to the conclusion that I did not stop and she told me "I wasn't a witness, but I have to give someone a ticket". I noted that she was getting frustrated when I was asking her about her conclusions about her giving me a ticket for not stopping. The discussion continued and she was explaining to me that I did not yield and the driver had the right of way. I asked her if she saw the stop sign. The stop sign is ways before the intersection, making it hard to see traffic from the left. I told her I made the stop. I asked her if she knew if the other vehicle was speeding and she was upset (the officer) and told me "by your record I wouldn't even be talking". I told her that she can't base a conclusion based on my "record". She then told me that you under the influence of a concussion and walked out. The officer comments were rude and unprofessional towards me. She was making light of my situation. I felt the officer discriminated against me by giving me a ticket for my past driving record.

EPPO 36-22-071 Rev. 03/06

Page 1 of 2

PUBLIC RECORDS INFORMATION...
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DATE: BY: TO:

After the accident at the scene, I got out of my truck and spoke to the female driver of the vehicle that had hit me. The first thing she told me was "I wasn't speeding".

1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
The tow truck driver commented to me that the female officer is mean.
2. Can you identify any other persons who might have information relative to this investigation?
Marceli Gonzalez, my wife was present at the hospital when the Officer made those comments. 915-329-0938.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Subscribed and sworn to before me, the undersigned authority, on this 20th day of April, 2015.

Witness(s):



IA15-0235

CIVILIAN WITNESS STATEMENT(S)

RR

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan



EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT – COMPLAINANT

COMPLAINANT: Hiram Gonzalez

ADDRESS: 3705 Deer Grass

PHONE: 355-1671

This statement is given voluntarily to: Lt. I. Valenzuela
of the El Paso Police Department

By: Marcela Gonzalez

D.O.B.: [REDACTED]

Address: 3705 Deer Grass

Phone: H (915) 307-8770 W (915) 329-0938 cell

DL/ID #: [REDACTED]

SSN: [REDACTED]

Date/Time: 4/24/15 1300 hrs.

My name is Marcela Gonzalez and I am 34 years of age. I am presently employed by I am a housewife and have been so since MC. I am giving this statement voluntarily to Lt. L. Valenzuela. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On Saturday 4/18/2015 I was at the hospital with my husband, Hiram Gonzalez, we were there because he had been in a traffic accident. A female officer got there, Officer Elizalde. She asked my husband what had happened and after he told her what happened, she said I'm going to give you a ticket for not making a stop.

My husband questioned why a stop ticket and she said well I have to give a ticket to someone and it has to be you because you had a stop and the other car didn't have a stop. So my husband asked her if she saw how far the stop sign was from the intersection. He then explained that he had stopped and then moved up because the intersection extends farther out than where the stop sign is and that is when he saw the other car. My husband also asked if the officer had seen how fast the other driver was going. She said I don't care if she was going 100 miles. She said the ticket was for my husband. She then said and based on your records I wouldn't even be talking.

My husband said you saw my record and you're giving this ticket based on my records. She said you must have a concussion, my husband turned to me and asked did you hear that? She said this remark twice. She told my husband he had a bad attitude and he then told her that she was the one with the bad attitude because you are not giving me the benefit of the doubt and you are just giving me the ticket. So she said again, based on your record you shouldn't be talking. My husband said it was not fair and she said you can go to court. My husband told her he would be going to court. My husband signed the ticket and she left walking out as my husband was still talking to her.

When this conversation took place I was sitting beside my husband, the officer never said anything to me. There were no other witnesses around.

1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
NO

2. Can you identify any other persons who might have information relative to this investigation?
NO

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Subscribed and sworn to before me, the undersigned authority, on this 24 day of April 2015.

NOTARY PUBLIC STATE OF TEXAS

Witness(s):



IA15-0235

ACCUSED EMPLOYEE STATEMENT(S)

RR

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DATE: BY: TO:



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN**

COMPLAINANT: Hiram Gonzalez
ADDRESS: 3705 Deer Grass
PHONE: 915-355-1671

This statement is given to: Detective Robert Romero #2276
of the El Paso Police Department Internal Affairs Division
by: Officer M. Elizalde #1817
Date & Time: 05/14/2015

**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM**

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Officer Martina Elizalde #1817 and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10/11/1996. I am currently assigned to the MVRC. I have been ordered to give an Administrative Statement to Detective Robert Romero #2276 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Martina Elizalde, am under a direct order to disclose any and all information about the case I am being questioned.

Officer M. Elizalde #1817 voluntarily opted not to have an Association representative present during the interview in administrative case #IA15-0235.

1. Do you acknowledge that you were given an opportunity to have an association representative present during this interview?

RR

Officer M. Elizalde #1817

Page 1 of 4

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DATE: BY: TO:

Yes

2. On 04-18-2015 at approximately 1231 hours you investigated a two vehicle traffic collision, case #15-108099, involving a subject named Hiram Gonzalez who was driving a maroon Toyota Tacoma. What did your investigation uncover? Please provide details.

I was dispatched to this accident. Upon arrival, I was told by the Fire Department (who were still present for traffic control because the Toyota truck was blocking a lane) that the driver of the Toyota, Mr. Gonzalez, had already been transported to Sierra/Providence East with minor injuries. The other driver, a Hispanic female in her 50s (?) had pulled her car onto the curb. The Fire Department personnel gave me a quick account on what had happened and translated the other driver's statement from Spanish to English as to what lane and direction she was driving and if she was hurt. Looking at the damage at the two cars and the other driver's and the EMT personnel's account of what happened, I determined that Mr. Gonzalez Failed to Yield the Right-Of-Way from the stop sign as he was eastbound on Iberlo, crossing Burgundy. The other vehicle was drivable and after the Toyota was impounded, I went to the hospital to see if I could locate Mr. Gonzalez to hear his account of what had happened and to issue the appropriate ticket(s).

3. Who did you speak to on scene? Please provide details.

At the scene I spoke to some EMT/Fire Fighters that stood by for traffic control. I also spoke to the other driver (some in my bad Spanish) and some translated by the Fire Department personnel.

4. Did you speak to any independent witnesses at the scene of the accident? If so, who? Please provide details.

No, there were no independent witnesses.

5. Did you check each driver's driving history? If so, how? Please provide details.

No, I did not check anyone's driving history.

6. What did the driving history reveal on each driver? Please provide details.

N/A

7. One of the drivers, Hiram Gonzalez, was transported to the hospital for possible injuries sustained during the accident. When you followed up at the hospital, Did Hiram Gonzalez argue with you about being issued a citation for "Fail to yield right at Controlled Intersection"? Please provide details.

When I made contact with Mr. Gonzalez in the hospital, I introduced myself and gave him an Incident Information Card with the case number and the other driver's information. I also provided Mr. Gonzalez with a slip of paper showing the address and phone number to the impound yard where his truck had been taken. After listening to Mr. Gonzalez' account about how the accident occurred – he stopped and looked but did not see anyone and then proceeded and was hit by the other driver – I told him that he would get a ticket for Failing to Yield Right-Of-Way at the stop sign. Immediately Mr. Gonzalez started arguing about the ticket, saying that it was not his fault. I tried to tell

RR

Officer M. Elizalde #1817

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DATE: BY: TO:

Mr. Gonzalez that he was the one who had the stop sign and therefore had to wait to enter Burgundy until no cars were coming. Mr. Gonzalez then claimed that the other driver was speeding, to which I replied that it did not matter because the other driver still had the Right-Of-Way. Mr. Gonzalez kept insisting about the other driver speeding, even after I told him that this really had no bearing in this accident. When he could not convince me that it was the other driver's fault, Mr. Gonzalez alleged that the only reason I am giving him the ticket was because he is Hispanic. That statement signaled the end of any reasonable conversation with Mr. Gonzalez and I asked Mr. Gonzalez to sign the ticket. He very reluctantly did so and I explained to him that he had until the listed date/time to pay the ticket and if he did not, he had to appear in court during on that day. After I gave him his copy, I walked away without further comment.

8. Did you advise Hiram Gonzalez that due to his past driving record "he should not be talking"? Please provide details.
No, I did not make a statement like that and I did not have any knowledge of Mr. Gonzalez's driving record.
9. Did you advise Hiram Gonzalez that he was suffering from a concussion? If so, how did you come to that conclusion? Please provide details.
No, I did not advise Mr. Gonzalez that he was suffering from a concussion as I am not a medical doctor and his possible injuries stemming from the accident had nothing to do with the cause of the accident or the ticket Mr. Gonzalez received.
10. Was anybody else present in the hospital room when you spoke to Hiram Gonzalez? If so, who?
Yes. A female was sitting on a chair next to Mr. Gonzalez, presumably his wife.
11. Did you speak with any other person at the hospital? If so, who? Please provide details.
I spoke to the receptionist (?) at the ER to locate Mr. Gonzalez. That person told me the room number he was in.
12. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation?
No.
13. Please identify any other persons who might have information relative to this investigation?
None.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

RR

Officer M. Elizalde #1817

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DATE: BY: TO:

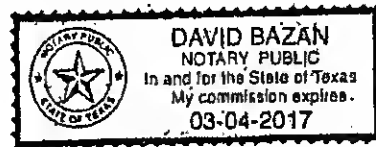
LA15-0235

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. Detective Robert Romero #2276 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Robert Romero #1817

Subscribed and sworn to before me, the undersigned authority, on this 12 day of October 2015.

David Bazan
NOTARY PUBLIC STATE OF TEXAS



RR

Officer M. Elizalde #1817

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DATE: BY: TO:

El Paso Police Department External Investigations Report

Incident Entered By: SERGEANT Arturo Ramirez - 005116
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
4/20/2015	4/18/2015	12:15
Record ID #	Case #	IA #
33105	15-108099	IA15-0235
Date/Time Entered		
4/20/2015 12:33		

Incident Summary

Officer Mendez #2211, called me to the front lobby in regards to a citizen complaint against Officer Elizalde. I went up to the front lobby and spoke to the subject. The subject advised me that he had picked up a copy of his accident report and was not happy with the investigation of the accident and was also upset about some unprofessional comments that the officer had made. I sat with the subject and went over the accident report. I told him even though there were no witnesses, he was required to yield to traffic. The subject advised that he understood the citation, but advised that Officer Elizalde had, according to him, discriminated against him because of his driving record.

The subject advised he was asking questions about the accident, and that Officer Elizalde was becoming upset with him. Officer Elizalde told the Subject "with your record, I wouldn't even be talking", then walked out of the room he was in at the Sierra East Emergency room. The subject felt that citation was issued more based on his driving record than the actual accident and taking all factors into consideration. The subject advised that his wife was present during the verbal exchange. (Marcela Gonzalez 329-0938).

I took a citizen's complaint form/ statement from the subject and downloaded the documents to this blue team.

I was able to get a copy of the citation issued by Officer Elizalde to the subject. On the back of the citation in the notes section, she made notes indicating that the subject was rude and obnoxious.

Incident Location

• 900, Direction: E Burgundy St, El Paso, TX 79938 - Location of Occurrence: El Paso

Reporting/Involved Citizen Information

Hiram Gonzalez

DOB: [REDACTED] Race: Hispanic Ethnicity: Gender: Male

Address

• 3705 Deer Grass St, El Paso, TX 79936

Phone

• (915) 355-1671

Citizen was homeless at time of their involvement: [No Response]

Citizen exhibited limited or no English language proficiency: [No Response]

Citizen's primary language: [No Response]

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DATE: BY: TO: 11/28/2018

<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?x=EKsmQNeKZ8PcYI...>

Citizen's sexual orientation if known: [No Response]

Citizen's gender expression if known: [No Response]

Citizen was experiencing mental crisis (Officer Assessment): [No Response]

Citizen was experiencing mental crisis (Self Reported): [No Response]

Citizen was armed at the time of incident: [No Response]

Role

•

Involved Officers

DETECTIVE Martina Elizalde - PD ID: 006688

Body Worn Camera: [No Response]

Role

•

Allegations linked to this officer

- Viol of Proc/Pol-Unprofessional Conduct-Dis courtesy Not Sustained 10/15/2015
- Viol of Proc/Pol-Unprofessional Conduct-Other Not Sustained 10/15/2015

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

No attachments

Assignment History

Sent Dt	From	To
5/12/2015	LIEUTENANT Raul Perez	(None Specified)
Assignment notes		
Released back to IAPro		
Email sent to receiver		
No email sent		

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<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?x=EKsmQNeKZ8PcYix...> 11/28/2018

DATE: BY: TO:

Chain of Command History

Routing #1	
Sent From:	SERGEANT Arturo Ramirez
Sent To:	LIEUTENANT Lucille Valenzuela
CC:	SERGEANT Juan Valles Jr, LIEUTENANT Lawrence Lujan
Sent Date/Time:	4/20/2015 2:03 PM
Instructions from SERGEANT Arturo Ramirez to LIEUTENANT Lucille Valenzuela:	
Blue Team in reference to complaint on Officer Elizalde.	
Comments/Response from LIEUTENANT Lucille Valenzuela:	
Approved: Not approved	
Reason: Further Information Needed	
Comments: See comments.	

Routing #2	
Sent From:	LIEUTENANT Lucille Valenzuela
Sent To:	SERGEANT Arturo Ramirez
CC:	(none)
Sent Date/Time:	4/22/2015 8:01 AM
Instructions from LIEUTENANT Lucille Valenzuela to SERGEANT Arturo Ramirez:	
Please contact the second witness, Marcela Gaonzalez and get a statement from her.	
Comments/Response from SERGEANT Arturo Ramirez:	
Approved: Approved	
Reason:	
Comments: I attached the statement from the second witness.	

Routing #3	
Sent From:	SERGEANT Arturo Ramirez
Sent To:	LIEUTENANT Lucille Valenzuela
CC:	(none)
Sent Date/Time:	4/28/2015 6:02 AM
Instructions from SERGEANT Arturo Ramirez to LIEUTENANT Lucille Valenzuela:	
I attached the statement from the second witness.	
Comments/Response from LIEUTENANT Lucille Valenzuela:	
Approved: Approved	
Reason:	
Comments: For review.	

Routing #4	
Sent From:	LIEUTENANT Lucille Valenzuela
Sent To:	ASST CHIEF Victor Zarur
CC:	(none)
Sent Date/Time:	5/6/2015 7:23 AM
Instructions from LIEUTENANT Lucille Valenzuela to ASST CHIEF Victor Zarur:	
This case involves the allegation that Officer Martina Elizalde was rude when speaking with the driver involved in a traffic accident. In this case the verbal exchange although inappropriate was not that provocative in nature. All involved parties were identified and the two civilians were interviewed. It now has evolved to a	

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DATE: BY: TO: 11/28/2018

<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?x=EKsmQNeKZ8PcYI...>

situation where it is the complainant and his wife's word against the officer's word. There is no video or audio of the incident, the exchange took place at the hospital. It is recommended that this be handled at the Region.

Comments/Response from ASST CHIEF Victor Zarur:

Approved: Approved

Reason:

Comments:

Based on history I recommend handling by IAD.

Routing #5

Sent From: ASST CHIEF Victor Zarur

Sent To: ASST CHIEF Peter Pacillas

CC: OFFICER Alejandro Anaya,
LIEUTENANT Maryann Estrada,
SERGEANT Michael Kaprosy,
OFFICER Estela Salas,
SR SECRETARY Yolanda Smith

Sent Date/Time: 5/6/2015 8:18 AM

Instructions from ASST CHIEF Victor Zarur to ASST CHIEF Peter Pacillas:

Please see comments

Comments/Response from ASST CHIEF Peter Pacillas:

Approved: Approved

Reason:

Comments:

To IAD for investigation

Assigned Investigator Signature Line

[Incident pending assignment]

Chain of Command Signature Lines

LIEUTENANT Lucille Valenzuela

SERGEANT Arturo Ramirez

ASST CHIEF Victor Zarur

ASST CHIEF Peter Pacillas

IA15-0235

LOG SHEETS / WORK SCHEDULE(S)

RR

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DATE: BY: TO:

7:45/2 4005 82



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



DATE <u>04/18/15</u>	UNIT DESIGNATION <u>15181</u>	DIVISION <u>Florida</u>	SHIFT <u>1</u>
NO. 1 OFFICER <u>Elizalde 1817</u>	I.D. NO.	NO. 2 OFFICER <u>—</u>	I.D. NO.
VEHICLE NO. <u>V11100</u>	RADIO NO. <u>1817</u>	SHOTGUN NO. <u>—</u>	DAY <u>Saturday</u>
TIME ON DUTY	MILEAGE	ASSIGNED SUPERVISOR <u>Sgt Villan</u>	TASER NO. <u>755365</u>
TIME OUT: <u>640</u>	ENDING: <u>123</u>		TASER NO. <u>—</u>
TIME IN: <u>660</u>	STARTING: <u>79056</u>		SUPERVISOR SIGNATURE <u>[Signature]</u>
	TOTAL: <u>72</u>		

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK							
INTERIOR <u>✓</u>	EXTERIOR <u>✓</u>	TIRES <u>✓</u>	REDLIGHTS <u>✓</u>	SIREN <u>✓</u>	SPOTLIGHT <u>✓</u>	SPARE <u>✓</u>	FLARES <u>✓</u>
JACK/LUG WRENCH <u>—</u>	BLANKET <u>—</u>	FINGERPRINT KIT <u>—</u>	FIRST AID KIT <u>—</u>	DEFIBRILLATOR <u>—</u>	CAMERAS <u>—</u>	REFLECTIVE VEST <u>—</u>	IN CAR VIDEO MIC <u>✓</u>
OTHER (LIST) <u>—</u>				FLUID CHECK <u>—</u>	AIR CARD <u>—</u>		
REMARKS <u>—</u>							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP									
		CALL FOR SERVICE			CITATIONS			ARRESTS	
CP Contacts/Problems Identification <u>—</u> CP		Dispatch	Observed	Hazard H <u>2</u>		Radar CIL <u>—</u> RC	Felony <u>—</u> F		
Persons Checked (Adults) <u>7</u> P	Patrol	<u>5</u>	<u>—</u>	Non-Haz NH <u>4</u>		Red Light <u>—</u>	Class "A" <u>—</u> AA		
Juveniles Checked <u>—</u> J	Traffic	<u>5</u>	<u>2</u>	Class C <u>—</u>		School Zone <u>—</u> SZ	Class "B" <u>—</u> AB		
Vehicle Checked <u>6</u> V	Comm. Policing	<u>—</u>	<u>—</u>	Parking PK <u>—</u>		Un-restrained Child <u>—</u>	Class "C" <u>—</u> AC		
LPR Vehicle checks <u>—</u>	Admin	<u>—</u>	<u>2</u>	Curfew <u>—</u> Juv <u>—</u> Parent <u>—</u>		Traffic Focus <u>—</u>	TOTAL <u>—</u>		
LPR Hits <u>—</u>	Reports	Off #1	Off #2	Muni. Code Viol <u>—</u>		Stop Sign <u>1</u>	DWI <u>—</u> Felony <u>—</u> Misd <u>—</u>		
Accident Inv. <u>2</u> AI	Inc Rpt	<u>1</u>	<u>—</u>	Speed <u>—</u>		Seatbelt <u>—</u>	Traffic Stop Arrests <u>—</u>		
Accident Adv. <u>—</u> AV	Traffic Rpt	<u>2</u>	<u>—</u>	Cell Phone Adv <u>—</u>		Cell Phone Ctl <u>—</u>	Minor Detectable <u>—</u>		

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer [Signature] No. 2 Officer —

	TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DDCKET NOS. OR NAME WHEN NECESSARY	RECAP
	0730	0605	35/35	MURC	87	Sgt Martinez/Dispatch/10	
P1	0605	0607	00/35	Bolebol	88	Relief #3 shift → [Redacted]	
P2	0625			Bolebol/Relief	87	Subj. down @ wheel / Antonio Martinez	
				<15-1080637		[Redacted] RIA [Redacted] / DWI(5) / Asn 24	
	0910		165/200			15283 Bolebol w/impound & paperwork [Redacted]	
P3	0910			MURC		10-16 12 Booking (Pia Traff Warrant) / Trench	
	0755		45/245			Free to Ex 4.5 / 10	
AI	0905	0901	5/250	MURC	87	B-2 to pickup camera hard drive/broke for TDI	
TDI	1001			Zaragon/Burnerford	87	81 2 wheels no inj	
				<15-1080777		Unit 1: Chas ETH 69261 / Maria Herrera	

Theresa [Redacted] 60622-110
Eymip) [Redacted]
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DATE: BY: TO

	TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
						Russ: Marlana Perez R.A. 86 S.A. Jarama /	
						Ch 7 7: [REDACTED] [REDACTED]	
		11 11	70/320			1225 N. [REDACTED]	
	11			MURC	87	3-2 to put hand-drawn bands in car / the coal cart	
		11 33	15/345			from [REDACTED] / 105	
T1	11 37			1200 N. Zaragoza	87	37 / Haine Tinker (HVT) 2258391 / 479116	
						Livingstone, [REDACTED] [REDACTED] 4 / ADV	
		11 55	15/360			ref. Truck Route / 14	
T2	12 00			921 N. Zaragoza	87	37 / CD Bungal 201464 / Maria Vardas [REDACTED]	
		12 07	10/370			Dennis, CO [REDACTED] / Adv. ref paper 105/15	
TD	12 08	12 10	0/370	Maneda / McLanahan	82	T.H. → flashing lights / 10-22 by 12 87 / 14	
PL	12 10	12 15	5/375	8020 Alameda	83	Welpen, ck - assist / broke for TD2	
TD	12 15	12 20	5/370	Alameda [REDACTED] 5010		81 → no inj. / broke for P2	
PL	12 20	12 31	10/390	8020 Alameda		Back on route → now Code 10 / 14	
TD	12 31			Burgundy / Elavita	87	81 (initially at TD4 - no injuries) → one party already transported to Sierra Prov. East /	
						Unit: [REDACTED] 30 / Hiram Gonzalez [REDACTED]	
						3705 Deer Grass, TX [REDACTED] 18-80599	
						Mad 21 [REDACTED] Maria Alia [REDACTED] 870	
						Burgundy # 138 [REDACTED] (Address) 15	
	14 25		115/505	File to Sierra Prov. East	705	13-805991 / → cited & issued Cit w/altiv 10/10	
AT	14 25			1059 La Jolla	85	Gas up / → only dispensed 10.3 gal before	
		14 45	20/525			pump stopped / 14	
	14 45	17 00	135/660	MURC	87	Report writing / Equip / Log sheet / rd	

7912P

EPPD 36-22-110
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DATE BY: TO:

IA15-0235

FIRST NOTICE,
CONFIDENTIALITY ORDERS,
IA CARDS

RR

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DATE: BY: TO:



**EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM**

<u>Martina Elizalde #1817</u>	<u>Officer</u>	<u>MVRCC</u>
Name ID #	Rank	Assignment

This will serve as notification to you that a complaint has been forwarded to:
Internal Affairs Division; IA15-0235

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:

- El Paso Police Department Rules and Regulations: Rule 27
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and/or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them. Officer's Initials ME

Confidentiality Order

You are being given a Direct Order by Jennifer Callan of the Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective Robert Romero #2276 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials NR

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

Officer's Signature

09/09/15 0540Lm
Date/Time

Witness Signature

Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY. TO



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN

AFFECTED EMPLOYEE(S): Officer Martina Elizalde #1817

FROM: INTERNAL AFFAIRS DIVISION: Detective Robert Romero #2276

SUBJECT: First Notice to Employee reference IA15-0235

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s).

MR
Initials

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.

MR
Initials

Jennifer F. Callan
Director of Professional Responsibility

Affected Employee: MR

Date/Time: 09/09/10 0540

Witness: Romero 1408

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DATE: BY: TO:

IA15-0235

FIRST NOTICE,
CONFIDENTIALITY ORDERS,
IA CARDS

RR

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DATE: BY: TO:



EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM

<u>Martina Elizalde #1817</u>	<u>Officer</u>	<u>MVRCC</u>
<u>Name ID #</u>	<u>Rank</u>	<u>Assignment</u>

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Officer's Initials ME

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Officer's Initials NR

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

[Signature]
Officer's Signature

08/09/15 0540hr
Date/Time

[Signature]
Witness Signature

Date/Time

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DATE: BY: TO:



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN**

AFFECTED EMPLOYEE(S): Officer Martina Elizalde #1817

FROM: INTERNAL AFFAIRS DIVISION: Detective Robert Romero #2276

SUBJECT: First Notice to Employee reference IA15-0235

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

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MR
Initials

Jennifer F. Callan
Director of Professional Responsibility

Affected Employee: MR

Date/Time: 09/29/10 0540

Witness: MR 1408

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DATE: BY: TO:

IA15-0235

MISCELLANEOUS

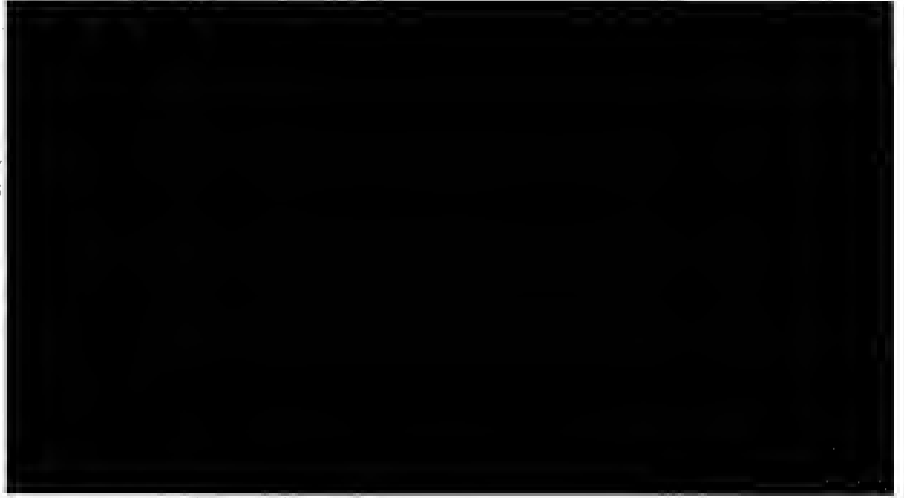
RR

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DATE: BY: TO:

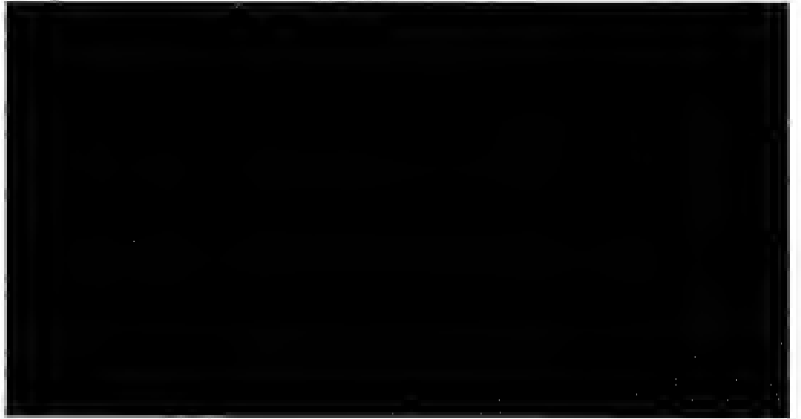
12/10/18 C1722

D Nathan



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DATE: BY: TO:

Low Enforcement and TxDOT Use ONLY

☐ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Total Num. Units	2	Total Num. Prns.	2	TxDOT Crash ID	14387091.1 /2015152840
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Texas Peace Officer's Crash Report (Form CR-3 1/1/2015)
 Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457
 Refer to Attached Code Sheet for Numbered Fields

*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.)

Page 1 of 2

Crash Date (MM/DD/YYYY) 04/18/2015		Crash Time (24HRMM) 12:15		Case ID 15-108090		Local Use MYRC/B7	
County Name EL PASO				City Name EL PASO			
<input type="checkbox"/> In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input type="checkbox"/> Yes <input type="checkbox"/> No							
ROAD ON WHICH CRASH OCCURRED							
1st Rdwy. Sps. LR		Hwy. Num.		2nd Rdwy. Part 1		Block 500	
3rd Rdwy. Part		Block 500		3rd Street Prof.		4th Street Suffix	
Crash Occurred on a Private Drive or Road/Private Property/Parking Lot		Toll Road/Toll Lane		Speed Limit 30		Const. Zone <input type="checkbox"/> Yes <input type="checkbox"/> No	
Worked Present <input type="checkbox"/> Yes <input type="checkbox"/> No		Street Desc.		Street Name burgundy		4th Street Suffix	
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER							
At Int. <input type="checkbox"/> Yes <input type="checkbox"/> No		1st Rdwy. Sps. LR		Hwy. Num.		2nd Rdwy. Part 1	
3rd Rdwy. Part		Block 9200		3rd Street Prof.		4th Street Suffix	
Distance from Int. or Ref. Marker		3rd Dr. from Int. or Ref. Marker		Reference Marker		Street Desc.	
RRR Num.		RRR Num.		RRR Num.		RRR Num.	
Unit Num. 1		6 Unit Desc. 1		Parked Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No		LP State TX	
Veh. Year 2003		6 Veh. Color MAR		Veh. Make TOYOTA		Veh. Model TACOMA	
7 Body Style PK		8 DL Type 1		9 DL Class C		10 CDL End. 96	
11 DL Real. A		12 DL Real. A		13 DL Real. A		DOB (MM/DD/YYYY)	
Address (Street, City, State, ZIP) 3705 DEER GRASS EL PASO, TX 79936							
Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line							
Person Num. 1		12 Pers. Type 1		13 Seat Position 1		14 Injury Severity C	
15 Age 37		16 Ethnicity H		17 Sex 1		18 Eject 1	
19 Restr. 1		20 Airbag 97		21 Helmet 97		22 Sol. N	
23 ALC Spec 96		24 Drug Result 96		25 Drug Result 97		26 Drug Category 97	
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.							
Owner <input type="checkbox"/> Lessee <input type="checkbox"/>		Owner/Lessee Name & Address GONZALEZ, HIRAH, 3705 DEER GRASS EL PASO, TX 79936					
Insured <input type="checkbox"/> Yes <input type="checkbox"/> No		26 Fin. Resp. Type 2		Fin. Resp. Name ALLSTATE INS. CO.		Fin. Resp. Num. 938-115-014	
Fin. Resp. Phone Num. (800) 255-7828		27 Vehicle Damage Rating 1 9		28 Vehicle Damage Rating 2 2		Vehicle Inventory <input type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By DEPENDABLE TOWING		Towed To 11840 GATEWAY EAST, EL PASO, TX 79927					
Unit Num. 2		6 Unit Desc. 1		Parked Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No		LP State TX	
Veh. Year 1997		6 Veh. Color BLU		Veh. Make FORD		Veh. Model ESCORT	
7 Body Style P4		8 DL Type 1		9 DL Class C		10 CDL End. 96	
11 DL Real. 96		12 DL Real. 96		13 DL Real. 96		DOB (MM/DD/YYYY)	
Address (Street, City, State, ZIP) 850 BURGUNDY #135 EL PASO, TX 79907							
Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line							
Person Num. 1		12 Pers. Type 1		13 Seat Position 1		14 Injury Severity N	
15 Age 65		16 Ethnicity H		17 Sex 2		18 Eject 1	
19 Restr. 1		20 Airbag 97		21 Helmet 97		22 Sol. N	
23 ALC Spec 96		24 Drug Result 96		25 Drug Result 97		26 Drug Category 97	
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.							
Owner <input type="checkbox"/> Lessee <input type="checkbox"/>		Owner/Lessee Name & Address ALBA, MARIA, 850 BURGUNDY #135 EL PASO, TX 79907					
Insured <input type="checkbox"/> Yes <input type="checkbox"/> No		26 Fin. Resp. Type 2		Fin. Resp. Name HONESTATE COUNTY MUTUAL INSURANCE		Fin. Resp. Num. TX5365051-04	
Fin. Resp. Phone Num. (254) 776-4521		27 Vehicle Damage Rating 1 1		28 Vehicle Damage Rating 2 2		Vehicle Inventory <input type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By Driver		Towed To Traffic					

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 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE BY: TO:

12/10/18 C1722

D Nathan

D Nathan

Event Chronology -- F2015199839

☒ System Comments

Date/Time	Terminal	Operator	Comments
04/18/15 12:15:02	c03	1019532	EVENT CREATED - Type: MVA - MVA - MOTOR VEHICLE ACCIDENT - MVA NO INJURIES, Location: 8URGUNDY DR/18ERIA RD EP, Agency: EPPD, Group: 8, Beat: 87, Status: P, Priority: 7
04/18/15 12:15:02	c03	1019532	EVENT UPDATED - Rms Transfer Time: 04/18/15 12:15:02,
04/18/15 12:15:02	c03	1019532	EVENT REMARK - :5E SECTOR Y=31.695953 X=-106.3029 2X VEH ACC
04/18/15 12:15:02	EPD81	1019532	EVENT REMARK - ** LOI search completed at 04/18/15 12:15:02
04/18/15 12:15:11	c03	1019532	EVENT REMARK - 1X GRN CAR 4DR
04/18/15 12:15:22	c03	1019532	EVENT REMARK - 1X MAR TOYOTA TACOMA
04/18/15 12:15:26	c03	1019532	EVENT REMARK - RP NOT NEXT TO VEH
04/18/15 12:15:29	c03	1019532	EVENT REMARK - NO INI
04/18/15 12:15:31	c03	1019532	EVENT REMARK - BLOCKING
04/18/15 12:15:37	pd7	1019542	EVENT REMARK - BLIND
04/18/15 12:15:38	c03	1019532	EVENT REMARK - RP: NANCY MARQUEZ
04/18/15 12:15:38	c08	1022997	EVENT REMARK - Duplicate Event Location = MORELIA RD/BURGUNDY DR EP, Cross Street 1 = MORELIA RD, Cross Street 2 = BURGUNDY DR, Type = MVA - MOTOR VEHICLE ACCIDENT, Subtype = MVA INJ - MVA WITH INJURIES, Caller Name = T-MOBILE USA, Caller Ph Number = [REDACTED], Caller Address = [REDACTED], Call Source = ANI/ALL, Alarm Level = 1, ARI = 3435537
04/18/15 12:15:38	c08	1022997	EVENT REMARK - = 31.7057812 = -106.27935
04/18/15 12:15:38	c08	1022997	EVENT REMARK - End of Duplicate Event data
04/18/15 12:15:41	c03	1019532	EVENT REMARK - RP JUST HEARD
04/18/15 12:15:45	pd7	1019542	EVENT UPDATED - Total Assigned Units: 1
04/18/15 12:15:45	pd7	1019542	EVENT UPDATED - First Unit Dispatched Time: 04/18/15 12:15:45, Status Code: A,
04/18/15 12:15:45	pd7	1019542	EVENT UPDATED -
04/18/15 12:15:45	pd7	1019542	EVENT UPDATED - First Unit Enrouted Time: 04/18/15 12:15:46, Rms Transfer Time: 04/18/15 12:15:45,
04/18/15 12:15:45	pd7	1019542	UNIT UPDATED - Unit: 15881, Status: DP, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:15:46	pd7	1019542	UNIT UPDATED - Unit: 15881, Status: E, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:15:50	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:15:58	ftac1	1019766	EVENT REMARK - ** Case number R15023041 has been assigned to event F2015028184 ** >>> by: 1019766 on terminal: ftac1
04/18/15 12:16:04	ftac1	1019766	EVENT REMARK - _MODE: MT1
04/18/15 12:16:05	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:16:11	c08	1022997	EVENT REMARK - VEH 1 BUR TOYOTA TACOMA
04/18/15 12:16:19	c08	1022997	EVENT REMARK - VEH2 GRN FORD ESCORT
04/18/15 12:16:29	c08	1022997	EVENT REMARK - RP: IRAN GONZALES
04/18/15 12:16:35	c08	1022997	EVENT REMARK - PH: [REDACTED]

<http://10.85.96.64/NetViewer/InquiryCommand/EventChronology?CaseID=F2015199839>

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 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

04/18/15 12:16:45	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:16:45	c08	1022997	EVENT REMARK - RP ADV HE IS INJURED AND NEEDS EMS
04/18/15 12:17:26	c08	1022997	EVENT REMARK - HEAD IS HURTING
04/18/15 12:18:02	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:19:27	c08	1022997	EVENT REMARK - RP IN BURGUNDY TOCOMA
04/18/15 12:19:44	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:19:49	c08	1022997	EVENT REMARK - Problem: MVA Patient Number: 1 Chief Complaint: Traffic / Transportation Incidents 37-year-old, Male, Conscious, Breathing. Dispatch CAD Code: 29601 Response Text: Bravo Determinant Level: Injuries KQ: The incident involves multiple vehicles. KQ: There is no bleeding now. KQ: Chemicals or other hazards are not involved. KQ: There is no one pinned. KQ: No one was thrown from the vehicle. KQ: Everyone appears to be completely awake (alert). KQ: His injuries are described as other than to a NDT DANGERDU5 area.
04/18/15 12:19:50	c08	1022997	EVENT REMARK - ** Event Type changed from FIREMISC(CLONE) to FIREMEDICAL(MVA-305) at: 04/18/15 12:19:50 ** >>>> by: ROBERTO ALVARADO-CARRASCO on terminal: c08
04/18/15 12:21:01	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:21:14	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:21:21	mtac1	1020466	EVENT REMARK - P26 -- REQ RESCUE
04/18/15 12:22:04	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:22:40	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:22:50	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:23:26	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:24:23	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:24:38	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:25:08	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:25:37	pd7	1019542	UNIT UPDATED - Unit: 15881, Status: UC, Location: , Employees: 101817
04/18/15 12:25:37	pd7	1019542	UNIT UPDATED - Unit: 15881, Status: AM, Location: , Employees: 101817
04/18/15 12:25:38	pd7	1019542	EVENT UPDATED - Common Event Revision Number: 4, Total Assigned Units: 0, CommonEventCustom1: MEDICAL, HasLoIData: True,
04/18/15 12:25:38	pd7	1019542	EVENT UPDATED - Status Code: P,
04/18/15 12:25:38	pd7	1019542	EVENT UPDATED - Appointment End Time: 04/18/15 13:25:38, Held For Unit Id: 15881, Hold Time: 04/18/15 13:25:38, Hold Type: 1, Last Status Change Time: 04/18/15 12:25:39, Pending Alarm Time: 04/18/15 13:25:39, Rms Transfer Time: 04/18/15 12:25:38, Status Code: H,
04/18/15 12:25:38	pd7	1019542	EVENT REMARK - ** Event held for 60 minutes and unit 15881

<http://10.85.96.64/NetViewer/InquiryCommand/EventChronology.aspx?UnitID=101817>

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04/18/15 12:29:48	mtac1	1020466	EVENT REMARK - **1ST BENCH/P26 ACK-WAITING FOR PD
04/18/15 12:31:04	pd7	1019542	EVENT UPDATED - Last Status Change Time: 04/18/15 12:25:38, Pending Alarm Time: 04/18/15 12:25:38, Total Assigned Units: 1,
04/18/15 12:31:04	pd7	1019542	EVENT UPDATED - First Unit Dispatched Time: 04/18/15 12:31:04, Status Code: A,
04/18/15 12:31:04	pd7	1019542	EVENT UPDATED - First Unit Enrouted Time: 04/18/15 12:31:05, Rms Transfer Time: 04/18/15 12:31:04,
04/18/15 12:31:04	pd7	1019542	UNIT UPDATED - Unit: 15881, Status: DP, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:31:05	pd7	1019542	UNIT UPDATED - Unit: 15881, Status: E, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:31:10	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:31:24	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:32:01	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:32:05	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:32:10	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:32:20	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:32:49	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:33:08	\$15881	101817	EVENT UPDATED - First Unit Arrived Time: 04/18/15 12:33:08, Rms Transfer Time: 04/18/15 12:33:08,
04/18/15 12:33:08	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: S, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:33:10	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:33:19	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:34:15	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:35:08	EPDB1	1020466	EVENT REMARK - ** LOI search completed at 04/18/15 12:35:08
04/18/15 12:35:15	mtac1	1020466	EVENT REMARK - R26 -- C-1 SPEAST
04/18/15 12:35:17	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:36:44	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:37:00	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:37:20	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:37:34	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:38:39	pd5	1014124	UNIT UPDATED - Unit: 15881, Status: S, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:38:44	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:38:46	mtac1	1020466	EVENT REMARK - P26 -- PD OTS

<http://10.85.96.64/NetViewer/InquiryCommand/EventChronology/EventID=P201519983>

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
EXEMPTIONS: P201519983
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

04/18/15 12:39:10	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:40:20	mtac1	1020466	EVENT REMARK - **1ST BENCH/P26 ACK
04/18/15 12:40:26	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:40:36	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:40:46	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:41:41	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:42:46	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:42:52	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:43:07	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:43:31	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:45:20	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:46:09	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:46:36	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:47:38	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:48:02	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:48:40	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:49:03	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:49:36	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:49:38	pd5	1014124	EVENT UPDATED - Primary Employee Id: 101817, Primary Unit Id: 15881, Rms Transfer Time: 04/18/15 12:49:38,
04/18/15 12:49:38	pd5	1014124	EVENT REMARK - ** Case number E15108099 has been assigned to event P2015199839 ** >>>> by: SANDRA L. NIETO on terminal: pd5
04/18/15 12:49:38	pd5	1014124	CASE NUMBER ASSIGNED - E15108099
04/18/15 12:49:38	pd5	1014124	DISPOSITION ASSIGNED - ASSN CASE
04/18/15 12:50:01	pd5	1014124	EVENT REMARK - 15881 -- CN/TIMES
04/18/15 12:50:03	pd5	1014124	UNIT UPDATED - Unit: 15881, Status: CU, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:50:25	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:51:08	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:52:08	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817
04/18/15 12:53:21	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/18ERIA RD EP, Employees: 101817

<http://10.85.96.64/NetViewer/InquiryCommand/EventChronology?eventID=P2015199839>

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
EXEMPTION - P2015199839
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE: BY: TO:

04/18/15 12:54:16	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 12:57:22	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:05:20	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:06:58	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:07:13	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:07:19	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:07:24	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:07:29	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:08:30	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:08:47	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:09:12	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:09:54	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:10:00	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:10:04	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:18:15	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:19:39	pd2	0	UNIT UPDATED - Unit: 15881, Status: ~, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:22:41	pd5	1014124	UNIT UPDATED - Unit: 15881, Status: CU, Location: BURGUNDY DR/IBERIA RD EP, Employees: 101817
04/18/15 13:39:57	EPD81	1014124	EVENT REMARK - ** LOI search completed at 04/18/15 13:39:57
04/18/15 13:39:57	pd5	1014124	UNIT UPDATED - Unit: 15881, Status: CL, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:39:57	pd5	1014124	UNIT UPDATED - Unit: 15881, Status: E, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:40:00	pd5	1014124	EVENT REMARK - 15881 -- SPEAST F/UP
04/18/15 13:43:15	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:43:36	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:44:16	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:44:32	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:44:42	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:49:13	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:49:48	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:54:57	pd7	0	UNIT UPDATED - Unit: 15881, Status: ~, Location: SPEAST F/UP, Employees: 101817
04/18/15 13:55:15	pd5	1014124	UNIT UPDATED - Unit: 15881, Status: S, Location: SPEAST F/UP, Employees: 101817

<http://10.85.96.64/NetViewer/InquiryCommand/EventChronologyAcvntID=5185119985>

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
ACT, AMENDED BY CHAPTER 199, ACT OF 2001
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

04/18/15 14:17:26	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 14:18:11	\$15881	101817	UNIT UPDATED - Unit: 15881, Status: UC, Location: SPEAST F/UP, Employees: 101817
04/18/15 14:24:30	pd5	1014124	EVENT UPDATED - Total Assigned Units: 0,
04/18/15 14:24:30	pd5	1014124	EVENT CLOSED -
04/18/15 14:24:30	pd5	1014124	EVENT UPDATED - Closing Employee Id: 1014124, Closing Terminal: pd5, Closing Time: 04/18/15 14:24:30, Is Open: False, Rms Transfer Time: 04/18/15 14:24:30,
04/18/15 14:24:30	pd5	1014124	DISPOSITION ASSIGNED - RCIT
04/18/15 14:24:30	pd5	1014124	UNIT UPDATED - Unit: 15881, Status: AM, Location: , Employees: 101817

CITY OF EL PASO, TEXAS
EL PASO POLICE DEPARTMENT
TRAFFIC CITATION

X [Signature]
DEFENDANT'S SIGNATURE

I agree to answer this citation by appearing at my arraignment hearing at El Paso Municipal Court's Northeast site, 9660 DYER ea:

month 06 day 11 year 15 between the hours of 8:30-11:30 a.m.
or 1:30-4:30 p.m. or by payment of the prescribed fine before the arraignment date. Signing of this citation is not an admission of guilt.

OFFICER Elzalde ID# 1817 DIV 4001

NAME OF OFFENDER (PRINT FIRST NAME)	DATE	041815		18-805992	
LAST NAME	1	R	A	M	
SEX	M	ADDRESS 3705 Dear Grass			
CITY	355-1671		STATE	ZIP 76	
EMPLOYER'S ADDRESS	NAME OF SCHOOL IF A STUDENT				
PARENT/GUARDIAN ADDRESS	TEL. NO.				
DL NO.					
LICENSING STATE	D				
VEH. REGIS.	YEAR 16				
VEH. MAKE	03	TOYOTA	TRACOMA	COLOR MAR	
LOCATION	9200 Benita				DIREC. TRAVEL E
NEAREST INTERSECTION	Benita				DIST 017
VIOLATION #1 CHARGED	Stop sign - Fail to Yield RPR				
VIOLATION #2 CHARGED	/CODE:				
VIOLATION #3 CHARGED	/CODE:				
VIOLATION #4 CHARGED	/CODE:				
VIOLATION #5 CHARGED	/CODE:				
SEARCHED	Y	INDEXED	Y	CLEAR	Y
AGE	17	TIME	12:15	AM	PM
RACE/ETHNICITY KNOWN PRIOR TO STOP	Y				
CASE NO.	15-108099				

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

AFFIDAVIT

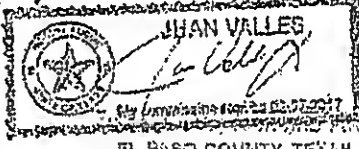
STATE OF TEXAS
COUNTY OF EL PASO

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DATE, PERSONALLY APPEARED THE UN-DEIGNED AFFIANT, WHO, AFTER BEING DULY EXAMINED, SAID:

"I, AN EMPLOYEE OF THE CITY OF EL PASO, TEXAS, DO SOLEMNLY SWEAR THAT I HAVE THE ABOVE SAID TO BELIEVE, AND DO BELIEVE, THAT, ON THE 18th, AND AT THE PLACE SHOWN ON THE COMPLAINT FILED HEREIN, THE PERSON WHOSE NAME APPEARS THEREIN COMMITTED THE OFFENSE DESCRIBED THEREIN."


AFFIANT

SUBSCRIBED AND SWORN TO, BEFORE ME, ON THE DATE WRITTEN OR STAMPED BELOW.

18th DAY OF April 2015

EL PASO COUNTY, TEXAS

FOR COURT USE ONLY	REMARKS
	H/11 508 Red 30150 Glasses
	(A) 810 fault
	→ Officer went to Sierra Park Fmpt
	for File E to give card
	Heather Tinto re. Driver
	He was made to drive
	(concession) → driving to
	hit his head (off right side)
	on window

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT

Original

Administrative Case #: IA16-0024

Location of Incident 810 E. Overland		Date of Incident 01/07/16, 1300 hrs.		Allegation Code	
Complainant Frederick Timmons		Address 8350 Verdeland El Paso, Tx 79907		Phone 915-599-2890	
Noted on Supervisor's Log By/Date Lt. L. Valenzuela #1241, 01/28/2016		PID Initiation Approved By/Date Sgt. M. Valles #1833/ 03/07/16			
Employee(s) Involved:	ID #	Division	On Probation?	Type of Probation / Date Probation Ends	
Ofe. Martina Elizalde	1817	MVRCC	No	N/A	
Employee Witness(s):					
Brief Explanation of Events:					
This Preliminary Information Document is being generated to document that the involved employees are alleged to have violated Department Policy and Procedure, Rules and Regulations, and any other relevant City of El Paso, including Civil Service Rules and Regulations. policy, procedure, rule and/or regulation.					
JG #2193					
Signatures:					
Supervisor Initiating Rep. opt M. Valles #1833 <i>[Signature]</i>		Rank/Position Sergeant		Date/Time 03/07/16 / 1330 hours	
Shift/Section Commander		Recommendation			
Division Commander		Recommendation			
Bureau Commander		Recommendation			
Final Disposition:					
1. <i>Chief Allen - Not Sustained all allegations 5/12/16</i>					
2.					
3.					
Signature of Employee		Date/Time			

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO



CASE SUMMARY REPORT
El Paso Police Department
Internal Affairs Division

I. INFORMATION

Date of Incident: January 7, 2016
Date Reported: January 22, 2016
Date Received in IAD: February 9, 2016
Location of Incidents: 810 E. Overland
Time of Incident: 1300 hrs.

II. DISCIPLINARY TIME TABLES

There are no criminal allegations in this investigation. Therefore, the 180 day rule is applicable for disciplinary action, if any in this case. The 180th day is July 05, 2016.

III. ALLEGATIONS

Allegation #1: Complainant Frederick Timmons alleged that on or about January 7, 2016, Officer Martina Elizalde #1817:

- a) "Perjured herself while testifying about a traffic citation she wrote [the complainant] for Impeding Traffic on June 26, 2015.
- b) "Displayed unprofessional behavior towards [the complainant] after the hearing was concluded when [the complainant] extended his hand to shake hers" and told her 'no hard feelings,' and she pulled her hand back."
- c) Was being loud when she said, "Oh no, it's not over, you lied to my sergeant and told him I was rude. It's not over."

IV. FACTS NOT IN DISPUTE

- On June 26, 2015 on or about 0920 hrs. Ofc. Elizalde conducted a traffic stop on Complainant Frederick Timmons, at 8400 North Loop.
- Officer Martina Elizalde cited Complainant Frederick Timmons for Impeding Traffic.
- Complainant Frederick Timmons obtained a copy of Ofc. Martina Elizalde's MVR footage (open records request) to the traffic violation and traffic stop, for June 26, 2015.
- Judge Michelle Morales found Complainant Frederick Timmons, Not Guilty, for the moving violation.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

V. RELEVANT POLICIES, PROCEDURES, RULES & APPLICABLE LAW

The issues in the investigation revolve around the acts or omissions of: **Officer Martina Elizalde #1817** while on duty. As such, the relevant policies and procedures and applicable law are as follows:

- Section 0-101, El Paso Police Department Procedures/Rules and/or Regulations.
- Section 0-0404 *et seq.*, El Paso Police Department Procedures/Rules and/or Regulations.
- City of El Paso Civil Service Rule 8 *et seq.*
- Rule 9, El Paso Police Department Rules and Regulations.
- Rule 27, El Paso Police Department Rules and Regulations.
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

VI. STATEMENTS

1. **Accused Employee Officer Martina Elizalde** was given a timely notice of this investigation. She was provided with her applicable rights and interviewed on or about 03/11/2016. She did not have association representation present during the interview.
2. **Witness civilian statements** were obtained from:
Judge Michelle Morales, City of El Paso Prosecutor-Mr. Evan Reed.

VII. EVIDENCE/PHOTOGRAPHS/MVR/VIDEOS, ETC.-

- All administrative statements taken in IA16-0024.
- Administrative case IA16-0024.
- Copy of Blue Team Report.
- MVR recording to traffic stop from June 26, 2015.

VIII. Canvassing: No canvassing was conducted for this case.

IX. CASE NOTES:

- Undersigned learned that a blue team report was generated on January 28, 2016, by Lt. Lucille Valenzuela.
- Undersigned learned Officer Martina Elizalde conducted a traffic stop of Complainant Frederick Timmons' vehicle, on June 26, 2015 on or about 0920 hrs. at 8400 North Loop.
- Complainant Frederick Timmons obtained Dash Cam video footage to traffic stop by filing an open records request.

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

IA16-0024

- The undersigned learned that there was no court reporter, for the municipal court hearing.
- Undersigned learned that the incident took place after Judge Morales found Complainant Timmons, Not Guilty, for the moving violation he was cited for.

X. INVESTIGATORS NOTES

- Complainant Frederick Timmons obtained Dash Cam video footage to traffic stop by filing an open records request.
- The undersigned arrived at the El Paso Municipal Court and obtained a witness statement from City Prosecutor, Mr. Evan Reed.
- The undersigned obtained a witness statement from Judge Michelle Morales, who was the presiding judge to the court hearing scheduled January 7, 2016, 1300 hrs.

The case is being prepped for presentation and supervisor review.

SUBMITTED BY:
Detective Jose Gomez #2193

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO

Valles, Michael

From: Valles, Michael
Sent: Thursday, May 12, 2016 6:01 PM
To: Elizalde, Martina
Cc: Pacillas, Peter; Callan, Jennifer F; Ramos, Roberto D.
Subject: Notice of Disposition IA16-0024

Officer Elizalde,

This is your formal notice that the above referenced administrative case was reviewed by the Chief's Office and disposition was rendered in the same. Based on the evidence, the disposition is as follows:

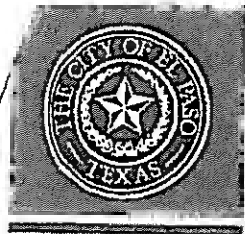
Allegation 1a. (Rule #5, Rules and Regulations): Not Sustained

1b. and 1c. (Policies and Procedures, Unprofessional Conduct): Not Sustained

Should you have any questions feel free to contact me at the below listed number.

Respectfully,

Sergeant Mike Valles #1833
Internal Affairs Division
211 N. Florence Ste 205
El Paso, Tx. 79901
915-212-4995



El Paso Police Department

Mayor
Oscar Leeser

May 13, 2016

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romera

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Courtney C. Niland

City Manager
Tommy Gonzalez

Mr. Frederick Timmons
8350 Verdeland
El Paso, Texas 79907

RE: Administrative Case #IA16-0024

Dear Mr. Timmons:

The complaint of misconduct against an employee of the El Paso Police Department that you filed has been thoroughly investigated by the Internal Affairs Division. The Chief of Police has reviewed the entire case and has rendered a disposition. Based on the investigation, a finding of misconduct could not be supported by the evidence.

Thank you for bringing this matter to our attention. We look to the community for partnership in our continuing efforts to improve the professionalism of the El Paso Police Department. If you should have any further questions or concerns regarding this case, you may call the Internal Affairs Division (212-0157) and speak with a supervisor.

Sincerely,

Jennifer F. Callan
Director, Professional Accountability
Internal Affairs Division

Greg Allen – Chief of Police
Internal Affairs Division | 2211 E. Missouri, #W-205 | El Paso, Texas 79903 |
(915) 521-9200

Dedicated to Outstanding Customer Service
PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT – COMPLAINANT

COMPLAINANT: Fredrick Timmons

ADDRESS: 8350 Verdcland

PHONE: 591-2890

This statement is given voluntarily to: Lt. Lucille Valenzuela
of the El Paso Police Department

By: Fredrick Timmons

D.O.B.: [REDACTED]

Address: 8350 Verdcland

Phone: H (915) 591-2890 W ()

DL/ID #: [REDACTED]

SSN: [REDACTED]

Date/Time: 01/22/16

My name is Fred Timmons and I am 65 years of age. I am presently employed by retired and have been so since . I am giving this statement voluntarily to Lt. L. Valenzuela. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On My complaint is against Officer M. Elizalde for the following: while at Municipal Court on 01/07/16 Officer Elizalde perjured herself while testifying about the traffic citation she had written me for Impeding Traffic on 06/26/15 and for displaying unprofessional behavior towards me after the hearing was concluded when I extended my hand to shake hers and for making a remark which I believed to be retaliatory in nature.

On June 26, 2015 I was crossing Upland St. on to North Loop. As I crossed onto North Loop into the intersection traffic was clear east bound and west bound, but I had to stop in the intersection due to some trees that I had to clear, two cars went through one after the other. At that point I looked to the left to clear the left bound traffic, I saw the officer coming. The officer was approximately five car lengths from where I was at. At that point I thought I'm not blocking anybody and entered onto North Loop and proceeded about 35 yards down the road. When I saw the officer in the rear view mirror the lights were not on she was making a U-turn onto North Loop eastbound. The officer lite up the lights and honked but I had already seen her. I pulled into

the BBQ place parking lot located at 8414 North Loop, the Rib Smoke House. She pulled in behind me in the parking lot. I didn't want her hanging out in traffic. She walked up to my vehicle and I asked her what this was about. She said I pulled you over for impeding traffic. At the same time I was giving her my driver's license, insurance and my gun permit as well as insurance papers. I asked again, "What traffic was I impeding because there was none?" When she answered me she in a snarky way said, "Me." I said, "You have to be kidding, this is the most ridiculous thing I've heard or seen in my whole life of living." She didn't say anything she just looked pissed off. She went back to her car and writes the citation. She came back and explained the citation and I asked again, "Are you serious about impeding traffic being you only." She just kept explaining the traffic ticket. I just signed the ticket and told her I'll see you in court because this is ridiculous.

After that I immediately came to the Mission Valley police station to speak to someone. I spoke to three different sergeants; all three of the sergeants spoke to me in the lobby. Two of them said they wouldn't have given me a ticket. The third said he would call her in and look at the dash cam. I sat in the lobby for close to an hour. The last sergeant told me he called the "guru" who is a specialist and he is the guy we go to. I asked for the name of the Guru and the sergeant told me I can't tell you. I said, "Serge I have had enough bullshit today and I left."

I then hired an attorney who unbeknownst to him I also was in court (Oct 26, 2015) and I saw the attorney ask the officer do you remember this case and she said yes very well. He then reset the case. The citation is now set for January 07, 2016.

In the interim I subpoenaed the dash video from the patrol car she was driving that day June 26, 2015. I tried to subpoena her personal recorder but was unable to due to her not being available for service. I then moved on without it. I downloaded the definition of Impeding Traffic law and legal definition from the DPS website.

On July 23, 2015 City Attorney Sergio Estrada provided a DVD of the dash video and a copy of the citation. I ask him off the record what he thought and he said, "I think you should fight it completely." At the same time he gave me a copy of the citation and on the back of the ticket her note was included. Mr. Estrada pointed out to me that the ticket had been altered. The gender box which had initially been marked with an "F" was changed to an "M". Mr. Estrada is at 759-2601, this is the number he provided to me.

The next court date was January 07, 2016 at 1PM with Judge Maria Ramirez Muni court #2. My case was called under citation #18824597 under my name Fred Timmons. The officer (Elizalde) she as already at the podium. The judge said, you have an attorney of record and I said, "No, I fired him." The judge then asked me if I'd like to take defensive driving. The judge then said the other option is to go to trial and I said that was what I was here for. Judge Ramirez asked me if I was sure and I said yes. Judge Ramirez then said we will do this under oath and the judge sworn us all in at the same time. The judge explained that the officer and the prosecutor would testify first and then I would have an opportunity to ask questions or present what evidence I might have. We then proceeded.

The City Prosecutor asked Elizalde if she recognized the citation on the screen, Elizalde said, "Yes I do very well." He then asked her general question establishing her employment and he asked her how long she had been with the police department she responded 19 years. City prosecutor asked for the city of El Paso and Elizalde said yes. The prosecutor asked her is this the citation for impeding traffic and she replied yes. He asked her to explain the citation and she said I was driving down North Loop west bound when she came upon my vehicle at the intersection of Upland and North Loop, and she said that I was blocking the complete left lane. She stated


that she had to come to a complete stop and move to the right some. The Prosecutor then asked her if she had come to a complete stop, he asked her a couple of times and I know he was doing this to verify if the offense occurred. She said yes each time asked. Then the prosecutor said he had no other questions, the judge then said it was my turn to present evidence. I then presented her with a copy of the traffic citation to show it had been altered, normally the court would have the officer re-issue the citation and start over but I was willing to waive this and proceed. The Judge said that as fine that I chose to continue. The judge then looked at the original citation and the pink copy I presented. I told the judge that I also have the dash camera video from that date. The judge asked how I got it. I explained that I had subpoenaed and gave the date that I received the DVD from City Attorney Sergio Estrada and told her the date I picked it up there on Overland at the municipal court building. The Judge was acting reluctant and I then opened up my laptop with I brought to show the video. The City prosecutor viewed it first. I turned on the computer and uploaded the DVD which reflects the unit number and the date and time. At the same time when Elizalde saw the video, she said, that doesn't look like my dash cam." The judge asked her, "You don't believe that's your dash cam?" Elizalde said, "No." The prosecutor asked the same question and asked if Elizalde was sure. Elizalde replied I don't know. The when I got heated and I looked at her and said, "You don't recognize your own dash cam?" I said this is the unit, date and time that identifies you and we let this video run further you'd see my vehicle come into view. Elizalde said nothing. The judge said, "Mr. Timmons give her an opportunity to answer. I paused the video at that time. The prosecutor asked her if it was her video and she said, I guess. I would like to say that when I mentioned I had the dash cam, she looked like she had swallowed a bowling ball and she appeared to be nervous as if she was the defendant now. The judge instructed the City Prosecutor to view the video along with Elizalde. They ran the video up until she was behind me and pulled you over. It was clear that she had not stopped and the prosecutor said to her, you said you came to a complete stop. Elizalde had no response. The prosecutor told the judge, Judge Ramirez I think you need to see this. Ramirez asked what do you think and he said she should view it herself. At one point the City prosecutor had asked her when the dash cam comes on and Elizalde replied between 16 and 30 seconds. I asked was the dash cam on when you turned onto North Loop and she said she didn't know. I asked can it be manually turned on. She said she didn't know. I said you're a nineteen year veteran and you can't tell me when your dash cam is on or off. Her reply was, "I'm not really familiar with this technology." My reply was 19 years and you're not familiar. She said we change vehicle and I said aren't they basically the same. That's when the judge said that enough and she Judge Ramirez looked at the video. Judge Ramirez after only about 10 seconds, said, "I've seen enough and she gave me back my computer, Mr. Timmons I find you not guilty and I believe the City owes you some money." I thanked the judge and I was then instructed to see her clerk. Elizalde was facing the prosecutor and had been shaking hand with other lawyers. I reached out and extended my hand, Elizalde took my hand then I said, "No hard feelings." Elizalde then pulled her hand back and said, "oh no, it's not over, you lied to my sergeant and told him I was rude. It's not over." She was being loud. I said I told your sergeant you were being rude, take a look at how you're acting now imagine how you are out on the streets. That when the judge who was actually listening to us and the judge said, that's enough from both of you. I was then instructed to go to the clerk.

I believe this remark about it not being over was retaliatory in nature. I feel that if the opportunity to stop me again presents itself, she will do it or possibly arrest me. This could be for anything such as a traffic ticket or an arrest for disorderly conduct

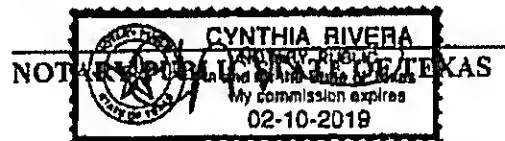
1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
NO

2. Can you identify any other persons who might have information relative to this investigation?
see statement

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Subscribed and sworn to before me, the undersigned authority, on this 22nd day of January, 2016.



Witness(s):



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT - WITNESS**

COMPLAINANT: Frederick Timmons
ADDRESS: 8350 Verdeland, El Paso Tx. 79907
PHONE: 915-599-2890

This statement is given voluntarily to: Detective Jose Gomez #2193
of the El Paso Police Department Internal Affairs Division
By: Judge Michelle Morales
Address: 810 E. Overland ELP, TX 79901
Phone: 915-
Date/Time: March 14, 2016, 13:45hrs.

My name is Michelle Morales and I am 44 years of age. I am presently employed with El Paso Municipal Ct. I am giving this statement voluntarily to Detective Jose Gomez. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

I am providing a witness statement to Det. J. Gomez, about a court hearing that took place on January 7, 2016, on or about 1300 hrs. at The El Paso Municipal Court. I was the presiding judge to the court hearing and was present when Ofc. M. Elizalde #1817 testified for a citation that she issued, Defendant Frederick Timmons. The date of the moving violation was June 26, 2016. After the hearing, I recall Mr. Timmons turned to Officer Elizalde and said, "No hard feelings," He tried to shake Ofc. Elizalde's hand. She refused to shake his hand and said, something like to the effect of, "I don't know how you can say that after you complained to my supervisor." He turned to me and something to the effect of, "you see, this is how she is." They both began to raise their voices although I don't recall what they were saying. I then firmly said to both parties, "That's enough!" Ofc. Elizalde apologized to me, excused herself and promptly left the courtroom. Det. Gomez asked me if at any time Ofc. Elizalde acted unprofessional. In my opinion, ~~Ofc. Elizalde~~, after becoming

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DATE: BY: TO:

aware of the history between the parties, I can understand why she was offended by Mr. Timmons' statement. She did raise her voice to him because she was so upset at his statement after having caused so much trouble with her supervisor prior to the hearing. After I called their attention, she quickly regained her composure and asked to be excused. She was never disrespectful to me, nor did she raise her voice at me either. Ofc. Elizalde did lose her composure with Mr. Timmons by raising her voice, Mr. Timmons also raised his voice to her while they argued.

I have known Ofc. Elizalde professionally for about 3-4 yrs. She has presented cases to me on a few occasions. I know her to be a professional, competent, police officer. In this instance, I believe the negative contact she has had with Mr. Timmons caused her to lose her composure briefly.

Mr. Timmons appeared to have prior law enforcement experience and did not like Ofc. Elizalde because of the initial citation that she issued. It is obvious that they don't like each other and their personalities clash. To Mr. Timmons it appeared this was more than just a traffic ticket. He seemed personally offended at Ofc. Elizalde for stopping him in the first place.

Please note Mr. Timmons was found not guilty.

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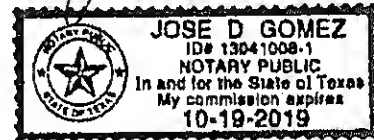
1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
no
2. Are you withholding any information that is relevant to this investigation?
no
3. Can you identify any other persons who might have information relative to this investigation?
no

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Subscribed and sworn to before me, the undersigned authority, on this 14th day of March, 2016.


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DATE: BY: TO:



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT - WITNESS

COMPLAINANT: Frederick Timmons
ADDRESS: 8350 Verdeland El Paso, Texas 79907
PHONE: 915-599-2890

This statement is given voluntarily to: Detective Jose Gomez #2193
of the El Paso Police Department Internal Affairs Division

By: Evan Reed

D.O.B.: —

Address: 810 E. Overland

Phone: 915-212-5352

DL/ID #: —

Date/Time: March 9, 2016, 12:00 hrs.

My name is Evan Reed and I am 32 years of age. I am presently employed with The City of El Paso. I am giving this statement voluntarily to Detective Jose Gomez. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On January 12, 2016, on or about 1:00 PM, I was working as the prosecutor in Municipal Court Number One (#1). That day Officer Elizalde appeared before the court to testify as a witness in a traffic case. On that case I recall the defendant Mr. Timmons contested the violation and had video evidence from a dash camera that he wished to show the court. The court is not equipped to view such evidence on its equipment but the judge agreed to view it later on equipment capable of replaying it. Detective Gomez asked me at any time I witnessed Officer Elizalde being disrespectful to the defendant I never saw or heard the officer or defendant have any interaction that could be called disrespectful or unprofessional. I was roughly four feet away from both parties during the entire court hearing.

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DATE BY: TO:

12/10/18 C1722

D nathan

Detective Gomez asked me if I recall seeing defendant Timmons attempt to shake Officer Elizalde's hand after the hearing. I do not recall that happening.

Detective Gomez asked me if Judge Maria Ramirez ever told "both parties to 'enough, both of you'" or words similar to this. I do not recall that occurring.

Detective Gomez asked me if officer Elizalde ever made retaliatory comments to Mr Timmons, once the hearing concluded. I do not recall them having any words after the hearing had concluded. At no time did I observe officer Elizalde act in an unprofessional or inappropriate manner.

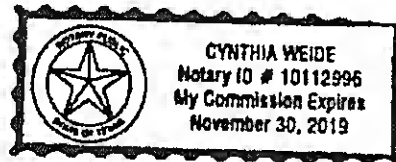
1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation? *no.*
2. Are you withholding any information that is relevant to this investigation? *no.*
3. Can you identify any other persons who might have information relative to this investigation? *no.*

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.

[Signature]

Subscribed and sworn to before me, the undersigned authority, on this 9th day of March, 2016.

[Signature: Cynthia Weide]
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DATE: BY: TO:



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANTS: Frederick Timmons
ADDRESS: 8350 Verdeland El Paso, Tx 79907

This statement is given to: Detective Jose Gomez #2193
 of the El Paso Police Department Internal Affairs Division
 by: Officer Martina Elizalde #1817
 Date & Time: 03/11/2016 / __0902__ hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMFOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

For any and all other purposes, I hereby reserve my constitutional right to remain silent under the Fifth and Fourteenth Amendments to the Constitution of the United States of America; Article 1, Section 10 of the Constitution of the State of Texas; and other rights prescribed and afforded me under both federal and state law. Furthermore, I rely specifically upon any and all protections that may be afforded me under the doctrines set forth in *Garrity vs. New Jersey*, 385 U.S. 493 (1967), and *Spevak vs. Klein*, 385 U.S. 511 (1967); *Gardner v. Broderick*, 392 U.S. 273 (1968); *Weaver v. Brenner* 40 F.3d 527 (2nd Cir. 1994); and *In re Grand Jury Proceedings (Kinamon)*, 45 F.3d 343 (9th Cir. 1995), should this report or statement be used for any other purpose of whatsoever kind or description

My name is Officer Martina Elizalde, and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10/11/1996. I am currently assigned to the Mission Valley Regional Command Day Shift. I have been ordered to give an Administrative Statement to Detective Jose Gomez

JG2193

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DATE: BY: TO:

12/10/18 C1722

D nathan

#2193 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Officer Martina Elizalde, am under a direct order to disclose any and all information about the case I am being questioned.

I, Officer Martina Elizalde, voluntarily opted not to have an Association representative present during the interview in administrative case IA16-0024.

On January 7, 2016, On or about 1300 hrs. you were scheduled to testify at The El Paso Municipal Court. One of the moving violations that was on the docket, was issued on June 26, 2015, on or about 0920 hrs. You issued a citation for impeding traffic (18-824597) to Complainant Frederick Timmons at 8400 North Loop.

1. Explain in detail, the events that took place as Complainant Frederick Timmons contested the citation and you testified to support the citation you issued.

Mr. Timmons contested the citation and the judge ruled that he was not guilty. Right after the court hearing, Mr. Timmons turned to me, extended his hand to me and suggested to "let bygones be bygones". I replied: "The way you behaved on the traffic stop, I don't think so". I started to turn away and ignore him but he kept saying something (I did not listen) and he was really close to me so I told him to get away from me. The judge then told him to leave and he did. The reason I turned away from the complainant was to avoid any confrontation with him as we were still in court and I remained professional.

2. At any time during the court testimony, did you make any comments toward Complainant Timmons? If so, explain what comments were made.

I did not make any comments toward the complainant during the testimony but testified to the citation in a professional manner.

3. After the hearing to the moving violation, did Complainant Timmons ever extend his hand to you? If so, how did you respond to his actions?

Yes, he extended his hand and said: "let bygones be bygones". I replied: "The way you behaved on the traffic stop, I don't think so". I started to turn away and ignore him but he kept saying something (I did not listen) and he was really close to me so I told him to get away from me. The judge then told him to leave and he did. The reason I turned away from the complainant was to avoid any confrontation with him as we were still in court and I remained professional.

4. Once Complainant Timmons extended his hand to you, did you take his hand, then say, "Oh no, it's not over, you lied to my sergeant and told him I was rude. It's not over." Or similar words? If so, explain.

Again, see #1. Those were the only words that I spoke to him.

A). Were you loud, as you made the above comments to Complainant Timmons? If so, explain.
No, I was not loud. We were still in the court room in a professional setting.

5. Did Judge Maria Ramirez have to tell you and Complainant Timmons, "That's enough, from both of you." Or Similar words?
The judge said something like "that's enough, you need to leave". However, I do not recall if the judge was Judge Ramirez. When the judge said that, I believe that she addressed the complainant because he was the one who stayed behind after the case had been dismissed in order to confront me.

6. Do you feel you displayed unprofessional behavior toward Complainant Timmons, at any time, during the court hearing held on January 7, 2016? If so, How?
No.

7. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?
Review his conduct during the initial traffic stop. The complainant went to the MVRC right after getting cited and contacted Sgt. Valles and made all kinds of allegations against me, to include me calling him names. Sgt. Valles immediately called me in and reviewed the video and not one of the allegations the complainant made was true! Sgt. Valles told me at the time that I was extremely professional the way I conducted the traffic stop (while I was getting verbally abused by the complainant the whole time).

8. Please identify any other persons who might have information relative to this investigation?
I believe the city prosecutor (unknown) was still in the court room and The Municipal Court judge who heard the case.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE J. Gomez #2193

JG2193

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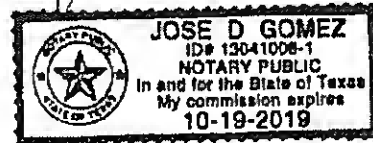
LA16-0024

GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT
WISH TO ADD OR CHANGE ANYTHING.

[Signature] 1817

Subscribed and sworn to before me, the undersigned authority, on this 11th_ day of March,
2016.

[Signature]
NOTARY PUBLIC STATE OF TEXAS



JG2193

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DATE: BY: TO:

12/10/18 C1722

D nathan

El Paso Police Department External Investigations Report

Incident Entered By: LIEUTENANT Lucille Valenzuela - 004041
Assigned Investigator: [Incident pending assignment]

Incident Details

Date Received	Date of Occurrence	Time of Occurrence
1/22/2016	1/7/2016	13:00
Record ID #	Case #	IA #
37115		1A16-0024
Date/Time Entered		
1/28/2016 10:43		

Incident Summary

The complainant came into the Valley station wishing to file a complaint against Officer Martina Elizalde for the following: while at Municipal Court on 01/07/16 Officer Elizalde is alleged to have perjured herself while testifying about a traffic citation she had issued to Mr. Timmons for Impeding Traffic on 06/26/15 and for displaying unprofessional behavior towards him after the Municipal Court hearing was concluded when he extended his hand to shake hers and for making a remark which he believed to be retaliatory in nature. The initial traffic stop occurred in June and is unavailable due to this being reported beyond the retention period. Mr. Timmons was in possession of a copy of the traffic stop, a copy he had subpoenaed.

Incident Location

• 810, Direction: E Overland, El Paso, TX 79901

Reporting/Involved Citizen Information

Frederick S Timmons

OOB: [REDACTED] Race: White Ethnicity: Gender: Male

Address

• 8350 Verdeland Dr, El Paso, TX 79907

Phone

• (915) 591-2890

Citizen was homeless at time of their involvement: [No Response]

Citizen exhibited limited or no English language proficiency: [No Response]

Citizen's primary language: [No Response]

Citizen's sexual orientation if known: [No Response]

Citizen's gender expression if known: [No Response]

Citizen was experiencing mental crisis (Officer Assessment): [No Response]

Citizen was experiencing mental crisis (Self Reported): [No Response]

Citizen was armed at the time of incident: [No Response]

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 TEXAS PUBLIC INFORMATION ACT (TX GOV. § 552.001(1))

<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?X=EEjndwink7GSTpmj...> 11/28/2018

DATE: BY: TO:

Role

•

Involved Officers

DETECTIVE Martina Elizalde - PD ID: 006688

Body Worn Camera: [No Response]

Role

•

Allegations linked to this officer

- Viol of Proc/Pol-Unprofessional Conduct-Discourtesy Not Sustained 5/12/2016
- Rules/Regs-Rule 5-Major Violations Not Sustained 5/12/2016
- Viol of Proc/Pol-Unprofessional Conduct-Other Not Sustained 5/12/2016

Tasks

No tasks to show

Running Sheet Entries

No running sheet entries to show

Attachments

Date Attached	Attachment Description	Attachment Type
1/28/2016	Complaint statement Mr. Timmons	pdf
1/28/2016	Documents provided by Mr. Timmons	pdf
1/28/2016	work list and log sheet 26JUN15	pdf
1/28/2016	Additional case notes from Mr. Timmons interview	pdf
1/28/2016	e-mail on video availability	pdf

Assignment History

Sent Dt	From	To
2/9/2016	DIR PRO ACC Jennifer Callan	(None Specified)

Assignment notes

Released back to IAPro

Email sent to receiver

No email sent

Chain of Command History

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<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?x=EEjmdwink7GStpmj...> 11/28/2018

DATE: BY: TO:

Routing #1

Sent From:	LIEUTENANT Lucille Valenzuela
Sent To:	LIEUTENANT Ignacio Hernandez
CC:	(none)
Sent Date/Time:	1/28/2016 11:19 AM
Instructions from LIEUTENANT Lucille Valenzuela to LIEUTENANT Ignacio Hernandez:	
Recommendation: Forward to Internal Affairs for review.	
Comments/Response from LIEUTENANT Ignacio Hernandez:	
Approved: Approved	
Reason:	
Comments:	
[Forwarded by LIEUTENANT Ignacio Hernandez]	

Routing #2

Sent From:	LIEUTENANT Ignacio Hernandez
Sent To:	SR SECRETARY Yolanda Smith
CC:	ASST CHIEF Peter Pacillas, DIR PRO ACC Jennifer Callan, OFFICER Alejandro Anaya, LIEUTENANT Maryann Estrada, SERGEANT Michael Kaprozy, OFFICER Estela Salas
Sent Date/Time:	1/28/2016 3:28 PM
Instructions from LIEUTENANT Ignacio Hernandez to SR SECRETARY Yolanda Smith:	
Copy for file. Recommend IAD follow up on this complaint.	
Comments/Response from SR SECRETARY Yolanda Smith:	
Approved: Approved	
Reason:	
Comments:	
[Forwarded by SR SECRETARY Yolanda Smith]	

Routing #3

Sent From:	SR SECRETARY Yolanda Smith
Sent To:	LIEUTENANT Ignacio Hernandez
CC:	(none)
Sent Date/Time:	1/28/2016 5:30 PM
Instructions from SR SECRETARY Yolanda Smith to LIEUTENANT Ignacio Hernandez:	
Document printed/filled at Region. Commander's recommendation that IAD followup	
Comments/Response from LIEUTENANT Ignacio Hernandez:	
Approved: Approved	
Reason:	
Comments:	
[Forwarded by LIEUTENANT Ignacio Hernandez]	

Routing #4

Sent From:	LIEUTENANT Ignacio Hernandez
Sent To:	ASST CHIEF Peter Pacillas
CC:	DIR PRD ACC Jennifer Callan
Sent Date/Time:	2/2/2016 12:07 PM
Instructions from LIEUTENANT Ignacio Hernandez to ASST CHIEF Peter Pacillas:	
Administrative complaint filed against Officer M. Elizalde over a citation issued. The complainant is alleging the officer perjured herself at Municipal Court and further displayed unprofessional conduct which the complainant perceived as retaliatory following the dismissal of the citation in open court. Recommend IAD to follow up.	

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOV. § 552)

<http://pdhq-web01/BlueTeam/Unrestricted/IncidentReport.aspx?X=EEjmdWink/GSTpmj...> 11/28/2018

DATE BY: TO:

Comments/Response from ASST CHIEF Peter Pacillas:

Approved: Approved

Reason:

Comments:
To IAD for investigation.**Assigned Investigator Signature Line**

[Incident pending assignment]

Chain of Command Signature Lines

LIEUTENANT Ignacio Hernandez

SR SECRETARY Yolanda Smith

ASST CHIEF Peter Pacillas

Daily Work Schedule: Friday, June 26, 2015 * Doys Shift

Personnel:	WkHrs:	Unit:	Veh:	Rad:	Tms:	S-gun:	B-bag:	Cmra:	note:
Cvt Estrada, Irma C1455	05:00-14:00	1S801		C1455					FRONT DESK CLERK
Lt Valenzuela, Lucille 1241	05:00-15:00	1L8		1241PD					
Dff Minjares, Jorge 1505	05:00-15:00	1S800		1505PD					
Sgt Valles, Juan 2166	05:00-15:00	1L82	V11104	2166PD					

Officers:	WkHrs:	Unit:	Veh:	Rad:	Tms:	S-gun:	S-bag:	Cmra:	note:
Elizalde, Martina 1817	05:30-15:30	1S181	V10082	1817PD	T59			DC-68	AE-29
Hernandez, Cruz 1998	06:30-15:30	1S182	V14043	1998PD				FV03	AE-36
Chavez, Miguel 2064	05:30-15:30	1S183	V14039	2064PD				FV20	AE-14
Rivera, Ely 2425	05:30-15:30	1S184	V07022	2425PD	T41			DC-58	AE-07
Almanza, Victor 2520	05:30-15:30	1S185	V05055	2520PD	T60			DC-75	AE-43 RR-28
De Avila, Jose 1986	05:30-15:30	1F187	V10081	1986PD			LA4	DC-72	SpC Assn:AE-10
Rodriguez, Cesar A. 3029	05:30-15:30			3029PD					SpC Assn:AE-21
Gutierrez, Antonio 1247	05:30-15:30	1S282	V11097	1247PD					AE-15
Perez, Victor 1762	05:30-15:30	1S283	V11095	1782PD					AE-32

C1455	06/26/2015	ARRAIGNMENT DATE: JULY 23, 2015
C1455	06/26/2015	GRIPED; 12 AVAILABLE; 4

R

Days Off		VAC/SLP/Other Leaves	Training/TDY/Rescheduled Day Off
Blanco 2997	Garcia 2901	Ramirez 1961-Vac <i>AR 1961</i>	Mendez 2211 (Rdo) -for almanza switch
Gonzalez 1845	Hernandez 2416	Hernandez 744-Vac <i>AR 1961</i>	
Lujan 1390	Madrid 2010	Sanchez 1769-Vac <i>AR 1961</i>	
Nevarez Jr. 2648	Porillo 1332		
Romero 1408	Sanchez 2278		

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12/10/18	C1722	D nathan
----------	-------	----------



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



Traffic - Adverse

DATE <u>06/26/15</u>	UNIT DESIGNATION <u>15181</u>	DIVISION <u>MAR</u>	SHIFT <u>1</u>
NO. 1 OFFICER <u>Arvalde</u>	I.D. NO. <u>1812</u>	NO. 2 OFFICER <u>Valles</u>	I.D. NO.
VEHICLE NO. <u>111097</u>	RADIO NO. <u>1817</u>	SHOTGUN NO.	DAY <u>Friday</u>
TIME ON DUTY	MILEAGE	ASSIGNED SUPERVISOR	TASER NO.
TIME OUT: <u>600</u>	ENDING: <u>123725</u>	<u>Sgt Valles</u>	<u>255315</u>
TIME IN: <u>540</u>	STARTING: <u>123700</u>		SUPERVISOR SIGNATURE <u>Cat</u>
	TOTAL: <u>25</u>		<u>1961</u>

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR <u>D</u>	EXTERIOR <u>D</u>	TIRES <u>1</u>	REDLIGHTS <u>1</u>	SIREN <u>1</u>	SPOTLIGHT	SPARE <u>1</u>	FLARES
JACK/LUG WRENCH	BLANKET	FINGERPRINT KIT	FIRST AID KIT	DEFIBRILLATOR	CAMERAS	REFLECTIVE VEST	IN CAR VIDEO MICT59
OTHER (LIST)				FLUID CHECK	AIR CARD		
REMARKS							

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

		CALL FOR SERVICE		CITATIONS			ARRESTS	
CP Contacts/Problems Identification	CP	Dispatch	Observed	Hazard H	3	2	Radar Cit	RC
Persons Checked (Adults)	10 P	Patrol	1	Non-Haz NH	16	2	Red Light	Class "A"
Juveniles Checked	1 J	Traffic	1	Class C C	1	2	School Zone	Class "B"
Vehicle Checked	8 V	Comm. Policing	1	Parking PK	1	1	Un-restrained Child	Class "C"
LPR Vehicle checks	1	Admin	2	Curfew	Juv	Parent	Traffic Focus	TOTAL
LPR Hits	1	Reports	Off #1	Muni. Code Viol	1	1	Stop Sign	DWI
Accident Inv.	1 AI	Inc Rpt	2	Speed	1	1	Seatbelt	Felony
Accident Adv.	1 AV	Traffic Rpt	1	Cell Phone Adv	1	1	Cell Phone Cit	Minor Detectable

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took at the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my (our) knowledge. No. 1 Officer Arvalde No. 2 Officer Valles

TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
0530			PURC	27	Stuff Missing/Investigation/Clam work/dish	
	0638	80/80			Unable to log onto MCT's no logs available	
0638			MARC	4	Enroll/Research case for court	
	0758	70/150			Fin. 81 15-175101	
110820			1200 N. Zaragoza	87	321 [redacted] Reports Lacer [redacted]	
					9129 [redacted] [redacted] / [redacted]	
	1125	5/155			aside [redacted] [redacted]	
120835			200 N. Zaragoza	87	321 [redacted] Antonio Carbajal	
					[redacted] 605 Don Olson [redacted] / [redacted]	
	0845	145			Brake lamps [redacted] [redacted]	

PUBLIC RECORDS INFORMATION
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DATE BY: TO

	TIME OUT	TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
T3	0850			8400 N. Loop	85	37/1 [redacted] / Ashley [redacted] 871 Bonaranda [redacted] 24/100	
	0915	15	190			*18-824596/10-98 4x5 1473 Q3 → NO/100	
T4	0920			8400 N. Loop	85	37/Fredrick Timmons [redacted] 835012 [redacted]	
	0930	10	100			[redacted] ct (Impounding) *18-824597/64	
T5	0935			8500 N. Loop	85	37/12 694R 55 / Luis Mariaga 7-3-43, Exp Com. [redacted]	
	0945	10	210			[redacted] ct (Synthetic Eggs) *18-824598	
T6	0950			1000 Loc. Tremina	85	37/1X CN34961 / Sara Teller [redacted]	
	0958	10	220			942 Monteca [redacted] / ct (Imp.) *18-824599	
	1000	11	285	MURC		B-2 for Sgt Valles to review video from T4/d	
						all warning lights on - lamp stuck on Cold → turned engine off 2x → Cold / W	
A1	1105	11	5				
D1	1115	11	15	828 N. Irving	82	81-2x vehicle missing → minor / excd. 85/100	
T7	1135			8800 Central	85	37/ [redacted] Note belongs to different HU	
				<15-177095		[redacted] [redacted] [redacted]	
						[redacted] 1550 Valle Famosa [redacted]	
						ct (Equip/ADL, FTR/R, 3-step) [redacted]	
	1240	63	370			Int. Imp. / R/W	
T8	1241			8800 Central	85	[redacted] / Jorge Nicolas, [redacted]	
						Enace Torres, [redacted] [redacted] [redacted] [redacted] [redacted]	
	1248	10	380			on handump (ramona [redacted]) E front plate / 118	
A2	1308			1059 Lafayette	85	Gra-seup (13.5 gal) / IB / CK w/ gear up ref. warning	
		20	400			lights / instrument cluster / 158-7	
T9	1308			857 Montblanc	82	65-unatt. / Sgt Vasquez 10-97 / RP (Don Jule)	
				<15-177129>		Patricia Monte [redacted] A. TX C06552 534	
						DE-Socorro Arreola [redacted] SA → Red	
	1441	90	490			Examiner 12-97 / ReClosed body / R/W	
	1442	50	540	MURC	87	Report writing / Log Book / Egan 11/107	

EPPD 36-22-110

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D Nathan

IA16-0024

FIRST NOTICE,
CONFIDENTIALITY ORDERS,
IA CARDS

JG2193

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE BY: TO

12/10/18 C1722

D nathan



El Paso Police Department

Mayor
Oscar Leeser

Police Department
Internal Affairs Division

City Council

District 1
Ann Morgan Lilly

District 2
Lerry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

TO: Officer Martina Elizalde #1817
FROM: Detective J. Gomez #2193
RE: 1st Notice, Rights & Responsibilities and Copy of P.I.D.
DATE: 03/07/16

Officer M. Elizalde,

Please sign, initial, and date the attached documents and forward them to the Internal Affairs Division. Please have a witness sign the appropriate spaces. The copy of the PID is for you to keep for your records.

Thank you for your assistance in this matter.

Detective Jose Gomez #2193
Internal Affairs Division
211 N. Florence St., Ste. #205
(915) 212-4985 (Direct Line)
(915) 212-0157 (Office Line)

Gregory K. Allen, Chief of Police
911 N. Raynor | El Paso, Texas 79903 | (915) 564-7000

"Delivering Outstanding Services"

PUBLIC RECORDS INFORMATION
SUBJECT TO NONDISCLOSURE
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
FIRST NOTICE FORM - SWORN**

AFFECTED EMPLOYEE(S): Officer Martina Elizalde #1817

FROM: INTERNAL AFFAIRS DIVISION: Detective Jose Gomez #2193

SUBJECT: First Notice to Employee reference IA16-0024

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s).

Initials

Commissioned employees are reminded they may voluntarily and at anytime during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association.

Initials

Jennifer F. Callan
Director of Professional Responsibility

Affected Employee:

Date/Time: 03/09/16

Witness:

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO



EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM

Martina Elizalde #1817 Officer MVRCC
Name ID # **Rank** **Assignment**
This will serve as notification to you that a complaint has been forwarded to: Internal Affairs Division:
IA16-0024

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:

- El Paso Police Department Procedures/Rules and/or Regulations-Unprofessional Conduct-Discourtesy
- City of El Paso Civil Service Rule 8 et. seq.
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and /or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials

ME

Confidentiality Order

You are being given a Direct Order by Jennifer Callan of the Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with Anyone other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. Detective Jose Gomez #2193 will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials

ME

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

ME 1817
Officer's Signature

JA 2193
Witness Signature

03/11/16 0850

Date/Time

3-11-16 0851

Date/Time

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

LA16-0024

MISCELLANEOUS

JG2193

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722

D nathan

PRESIDING JUDGE
DANIEL ROBLEDLO

JUDGES
DANIEL ROBLEDLO, COURT NO. 1
MAX MUNOZ, COURT NO. 2
DAVID BONILLA, COURT NO. 3
VICTOR SALAS, COURT NO. 4
DANIEL ROBLEDLO, COURT NO. 5

MUNICIPAL COURT CLERK
RICHARDA OUFFY MOMSEN



MUNICIPAL COURTS
810 E. OVERLAND
EL PASO, TEXAS 79901-2560
(915) 546-2901

Morales

*Oct 2
1-7-16*

*SE 2
(1)*

NOTICE OF COURT SUBSTITUTE JUDGE SERVICES

January 7, 2016

Substitute Judge: Michelle Morales

Associate Judge Michelle Morales will be substituting for Judge Max Munoz on

January 7, 2016 in Municipal Court No.2 at 12:00 and 1:00PM

Please note this day for payroll purposes. Associate Judge will be paid by city.

Rebecca Vasquez
Senior Court Deputy

Cc: Payroll and Accounting Clerk:

El Paso, Texas, The International City

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
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DATE: BY: TO:

Citation Menu

C Citation
 D Dispo
 FS Fees
 F Forms
 H Hearings
 M Memos
 P Person
 W Warrant
 Address
 Audit
 Summary
 V Vehicle

Timmons, Frederick S
 18824597 [6069286]
 Traffic Citation

Status : Found Not Guilty In C
 Modified: 12:30am on 01/08/16
 by System Batch Proce

Violation: Impeding Traffic [MT]

Date : 06/26/15 195 days
 Loc. : 8400 NORTH LOOP

Time : 09:20am
 Officr: ELIZALDE, MARTI

Status: 01/07/16 - Found Not Guilty In Court

Found Not Guilty In Court on 01/07/16

Category	Assessed	Balance
Bond/Fine	\$0.00	\$0.00
State Fees	\$0.00	\$0.00
Warrant Fees	\$0.00	\$0.00
Special Expense	\$0.00	\$0.00
Other Fees	\$0.00	\$0.00
	<hr/>	<hr/>
V	\$0.00	\$0.00

F1-Exit

F5-Memos F6-Hearng

-- Officer Appearance Schedule: 01817 --

Officer Court Schedule						
Name	: ELIZALDE, MARTINA	Badge #	: 01817			
Address	: 4/30 - 5/15/15 VAC	Agency	: EPPD			
CSZ	:	Active	: Yes			
Phone	: 4.15.15	Alt. Ph	:			
Date	Time	Court	Offcr	Count	Max	CRep
01/07/2016	01:00pm	2-2	55	100	100	R
01/14/2016	01:00pm	2-2	25	100	100	R
01/21/2016	12:00pm	2-1	44	100	100	I

Page 1 of 1

Use the UP and DOWN arrow keys to scroll

OVR

F1-Back

F6-Print

PUBLIC RECORDS INFORMATION
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DATE: BY: TO:

**CITY OF EL PASO, TEXAS
EL PASO POLICE DEPARTMENT
TRAFFIC CITATION**

X [Signature]
DEFENDANT'S SIGNATURE

I agree to answer this citation by appearing at my arraignment hearing at El Paso Municipal Court's Northeast site, 9600 DYER on:

07/23/15
month day year

between the hours of 8:30-11:30 a.m. or 1:30-4:30 p.m. or by payment of the prescribed fine before the arraignment date. Signing of this citation is not an admission of guilt.

OFFICER Elizalde NO. 1817 DIV. MURB

NAME OF DEFENDANT (PRINT)	DATE	06.26.15		18-824597	
FIRST NAME	FREDERICK			MI.	S
LAST NAME	TIMMONS				
SEX	M	STREET ADDRESS 8350 Vandeland			
CITY	EL PASO			STATE	ZIP 07
TEL. NO.	591-2890		NAME OF SCHOOL IF A STUDENT		
EMPLOYER'S ADDRESS					
PARENT/GUARDIAN					
ADDRESS		TEL. NO.			
D.L. NO.					
LICENSING STATE	TX	DOB			
VEH. REG.			YEAR		16
YR. MODEL	1994	MAKE	Ford	MODEL	F-150
				COLOR	Red
LOCATION	8400 N. Loop			DIRECTION	S/E
NEAREST INTERSECTION	Updated			DIST.	8.5
VIOLATION #1 CHARGED		Impeding traffic		CODE:	
VIOLATION #2 CHARGED				CODE:	
VIOLATION #3 CHARGED				CODE:	
VIOLATION #4 CHARGED				CODE:	
VIOLATION #5 CHARGED				CODE:	
SEARCH	-Y	CONSENT	Y	CNTR-BND	Y
	N				RACE/ETHN H
ACC.	Y	N	TIME	9:20	AM
RACE/ETHNICITY KNOWN PRIOR TO STOP				Y	N
CASE NO.					

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DATE BY: TO:

*can't believe you gave me a ticket for
that... what traffic was I impeding?*

AFFIDAVIT
STATE OF TEXAS
COUNTY OF EL PASO

*→ PE → I am a police officer and
not traffic.*

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DATE, PERSONALLY APPEARED THE UNDERSIGNED AFFIANT, WHO, AFTER BEING DULY SWORN, STATED:

"I, AN EMPLOYEE OF THE CITY OF EL PASO, TEXAS; DO SOLEMNLY SWEAR THAT I HAVE PROBABLE CAUSE TO BELIEVE, AND DO BELIEVE, THAT, ON THE DATE, AND AT THE PLACE SHOWN ON THE REVERSE SIDE HEREOF, THE PERSON WHOSE NAME APPEARS THEREIN COMMITTED THE OFFENSE DESCRIBED THEREIN."

[Signature]
AFFIANT

SUBSCRIBED AND SWORN TO, BEFORE ME, ON THE DATE WRITTEN OR STAMPED BELOW.

26th DAY OF June 2015



FOR COURT USE ONLY	OFFICER NOTES
	<i>with SDT note/entry</i>
	<i>④ → Officer WB on N. Loop on left lane</i>
	<i>- Def. SB on left hand making left turn onto N. Loop EB</i>
	<i>- Pulled out Prius, tried to stop blocking entire left lane WB on N. Loop (lane I was in) waiting for traffic to clear EB.</i>

Rediculed me the entire time from the minute I made contact "I can't believe you pulled me over for that"

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH 552)

DATE: BY: TO:

-- Traffic Citation Update --

Memos [31]

14. Attorney :
15. Bondsman :

Complainant : N/A

16. Charge Text : DID THEN AND THERE UNLAWFULLY DRIVE AND OPERATE A MOTOR VEHI

17. Witness Name	Address	CSZ	Phone
------------------	---------	-----	-------

18. Court Reporter : Yes

19. Court Interpreter :

20. Companion Ticket : No

21. Wit / Comp :

24. Hearing Date : 07/23/2015

25. Srch : N Cnsnt : N Ctrbd : N

Citation ID: 6069286

OVR

Selection:

(Press F7 for more Citation information)

F1-Exit

F7-Prev

PUBLIC RECORDS INFORMATION
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DATE BY: TO:

-- Disposition Information --

1. Disposition : Found Not Guilty In Cour	6. Court Bond/Fine : (\$0.00)
Disp Date : 01/07/2016	7. Bench Warrant : (\$0.00)
Comment :	8. Special Exp : (\$0.00)
	9i Jail Credit : N/A
2. Case Number : 16010722066	10. Extension Due :
3. Attorney :	11. Install Request :
4. Bondsman :	Refund Number : 100670
5. Exclusion :	

Citation Information

Cit #: 18824597(6069286)	Offr : Eppd
Name : Timmons, Frederick S	06/26/2015 - 09:20am
Viol : Impeding Traffic	Loc : 8400 North Loop

OVR

Selection:

F1-Exit

-- Traffic Citation Update --

Memos [31]

1r Cit# : 18824597	10. Name : TIMMONS, FREDERICK S
2r Cit Dt : 06/26/2015	11. Addr : 8350 VERDELAND
3r Time : 09:20am	Addr2 :
4. Acc : No	CS2 : EL PASO, TX 79907
5r Offr : Elizalde, Martina	Phone : 915-591-2890
6r Viol : Impeding Traffic	Spd : N/A
7r Loc : 8400 NORTH LOOP	Lmt : N/A
8. Dir : South	Schl : N
9. Intr : UPLAND	12. Const : N
Case# : 160107220	Value : N/A

13r Citation Status	Status Date	Status Comment	Batch Date	User
Found Not Guilty I	01/07/2016			MUNI5919
Bond/fine	10/26/2015	Added by zero balanc	01/08/2016	MUNI5522
To Notify Of Court	10/26/2015	1ST	12/15/2015	MUNI8080
Citation ID: 6069286				OVR

Selection: (Press F8 for more Citation information)

F1-Exit

F8-Next

Tuesday, October 06, 2015

PRESIDING JUDGE
DANIEL ROBLEDO



MUNICIPAL COURT

MUNICIPAL CLERK
RICHIARDA OUFFY MOMSEN

JUDGES
MARIA RAMIREZ, COURT NO. 1
MAX MUNOZ, COURT NO. 2
DAVID A BONILLA, COURT NO. 3
VICTOR SALAS, COURT NO. 4
DANIEL ROBLEDO, COURT NO. 5
ASSOCIATE JUDGES
CARL HORKOWITZ, COURT NO. 5-A
ALFONSO DOMINGUEZ, COURT NO. 5-B

TIMMONS, FREDERICK S
8350 VERDELAND
EL PASO, TX 79907

DEFENDANT COPY

Re: Notice of Case Setting
State of Texas vs. TIMMONS, FREDERICK S

You are hereby notified that the listed case(s) have been set for Trial in Municipal Court:
Court Number No. 2, at 10/26/2015 01:00pm at 810 East Overland, El Paso, Texas.

<u>Citation #</u>	<u>Date Issued</u>	<u>Violation</u>	<u>Amount Due</u>
18824597	06/26/2015	IMPEDING TRAFFIC	\$145.10

If a payment plan is needed, you must pay 25% of the amount due; otherwise payment in full is expected.

Defendant/ Attorney: Please Note : If the officer issued more than one citation to you on 06/26/2015 and the cases were not set for the same court please call court arrangements clerk at 212-0215 at least 48 hours before your scheduled court appearance. The clerk will assist you by assigning the same court date to all companion cases. Please bring this notice with you when appearing in person. If the defendant is an adult, then in lieu of appearing at the above date and time you may pay the balance of your assessed fine/court costs on or before the date of the trial at any Municipal Court bond office: 810 E. Overland St., 9600 Dyer, 4801 Osborne, 9011 Escobar (corner of Zaragoza and Escobar), or 10780 -A Pebble Hills Ave.

Witness: You have been identified in the case listed above as the complaining witness. Your testimony is needed at trial on the date listed above. This notice is being sent to you in lieu of a formal court subpoena.

Bonding Companies: Failure to produce your client for trial will result in the issuance of an arrest warrant for the defendant and the beginning of civil bail bond forfeiture proceedings against your company.

- Free parking is not available at the downtown location. Please plan on a 2½ hour court session and park accordingly.
- Documentation on a cell phone or camera will NOT be accepted. You must bring the originals / hard copy.
- Proper decorum must be maintained in the court at all times. The following are not allowed: food or drink, chewing gum, shorts, tank tops, flip flops or halter-tops.
- Cell phones, beepers and other electronic devices must be turned off once the court is in session. Failure to abide by the Court rules and regulations may result in a contempt finding and the assessment of a fine.
- A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge by the Texas Dept of Public Safety under the Driver Responsibility program.

Please call 212-0215 if you have any questions about your case.

MUNICIPAL COURT CLERK
City of El Paso, Texas
810 E. Overland • El Paso, TX 79901-2560 • 915.212.0215 • FAX 915.212.0216 • www.elpasotexas.gov

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

12/10/18 C1722 D nathan

Wednesday, December 16, 2015

PRESIDING JUDGE
DANIEL ROBLEDO



MUNICIPAL CLERK
RICHIARDA DUFFY MONSEN

MUNICIPAL COURT

JUDGES
MARIA RAMIREZ, COURT NO. 1
MAX MUNOZ, COURT NO. 2
DAVID A. BONILLA, COURT NO. 3
VICTOR SALAS, COURT NO. 4
DANIEL ROBLEDO, COURT NO. 5
ASSOCIATE JUDGES
CARL HORKOWITZ, COURT NO. 5-A
ALFONSO DOMINQUEZ, COURT NO. 5-B

TIMMONS, FREDERICK S
8350 VERDELAND
EL PASO, TX 79907

DEFENDANT COPY

Re: Notice of Case Setting
Notificación de Audiencia Tribunal
State of Texas vs. TIMMONS, FREDERICK S

You are hereby notified that the listed case(s) have been set for Trial in Municipal Court:
Usted ha sido notificado que su caso(s) registrado abajo, ha sido fijado para Audiencia Tribunal:
Court Number No. 2, at 01/07/2016 01:00pm at 810 East Overland, El Paso, Texas.

<u>Citation #</u>	<u>Date Issued</u>	<u>Violation</u>	<u>Amount Due</u>
18824597	06/26/2015	IMPEDING TRAFFIC	\$0.00

Defendant/ Please Note : If the officer issued more than one citation to you on 06/26/2015 and the cases were not set for
Attorney: the same court please call court arrangements clerk at 212-0215 at least 48 hours before your scheduled court appearance. The clerk will assist you by assigning the same court date to all companion cases. Please bring this notice with you when appearing in person. If the defendant is an adult, then in lieu of appearing at the above date and time you may pay the balance of your assessed fine/court costs on or before the date of the trial at any Municipal Court bond office: 810 E. Overland St., 9600 Dyer, 4801 Osborne, 9011 Escobar (corner of Zaragoza and Escobar), or 10780 -A Pebble Hills Ave.

Witness: You have been identified in the case listed above as the complaining witness. Your testimony is needed at trial on the date listed above. This notice is being sent to you in lieu of a formal court subpoena.

Bonding Failure to produce your client for trial will result in the issuance of an arrest warrant for the defendant and
Companies: the beginning of civil bail bond forfeiture proceedings against your company.

- Free parking is not available at the downtown location. Please plan on a 2 1/2 hour court session and park accordingly.
- Documentation on a cell phone or camera will NOT be accepted. You must bring the originals / hard copy.
- Proper decorum must be maintained in the court at all times. The following are not allowed: food or drink, chewing gum, shorts, tank tops, flip flops or halter-tops.
- Cell phones, beepers and other electronic devices must be turned off once the court is in session. Failure to abide by the Court rules and regulations may result in a contempt finding and the assessment of a fine.
- A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge by the Texas Dept of Public Safety under the Driver Responsibility program.

Please call 212-0215 if you have any questions about your case.
Si tiene preguntas en referencia a su caso favor de llamar al 212-0215.

810 E. Overland • El Paso, TX 79901-2560 • 915.212.0215 • FAX 915.212.0216 • www.elpasotexas.gov

MUNICIPAL COURT CLERK
City of El Paso, Texas

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: BY: TO:

CITY OF EL PASO, TEXAS
EL PASO POLICE DEPARTMENT
TRAFFIC CITATION



X

DEFENDANT'S SIGNATURE

I agree to answer this citation by appearing at my arraignment hearing at El Paso Municipal Court's Northeast site, 9600 DYER on:

12/23/18 month day year between the hours of 8:30-11:30 a.m. or 1:30-4:30 p.m. or by payment of the prescribed fine before the arraignment date. Signing of this citation is not an admission of guilt.

OFFICER	NO.	QIV.
1217	1217	1217

NAME OF DEFENDANT (PRINT)	DATE	18-824597
FIRST NAME	12/23/18	

LAST NAME	12/23/18	
SEX	12/23/18	

STREET ADDRESS	12/23/18	
CITY	12/23/18	

STATE	12/23/18	
ZIP	12/23/18	

TEL. NO.	12/23/18	
NAME OF SCHOOL IF A STUDENT	12/23/18	

EMPLOYER'S ADDRESS	12/23/18	
PARENT/GUARDIAN	12/23/18	

ADDRESS	12/23/18	
D.L. NO.	12/23/18	

LICENSING STATE	12/23/18	
DOB	12/23/18	

VEH. REG. YEAR	12/23/18	
REG. YEAR	12/23/18	

YR. MODEL	12/23/18	
MAKE	12/23/18	

MODEL	12/23/18	
COLOR	12/23/18	

LOCATION	12/23/18	
DIRECTION	12/23/18	

NEAREST INTERSECTION	12/23/18	
DIST	12/23/18	

VOLATION #1 CHARGED	12/23/18	
CODE	12/23/18	

VOLATION #2 CHARGED	12/23/18	
CODE	12/23/18	

VOLATION #3 CHARGED	12/23/18	
CODE	12/23/18	

VOLATION #4 CHARGED	12/23/18	
CODE	12/23/18	

VOLATION #5 CHARGED	12/23/18	
CODE	12/23/18	

SEARCH	Y ()	CONSENT	Y ()	CNTR. IND.	Y ()	RACE/ETHN.	12/23/18
ACC.	Y ()	N ()	TIME	12/23/18	AM	PM	12/23/18

A conviction of an offense under a traffic law of this state or a political subdivision of this state may result in the assessment on your driver's license of a surcharge under the Driver Responsibility Program.

COPY NO. 2

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DATE BY: TO:

12/10/18 C1722

D nathan

08-8108-3120
 11-11-12
 OCT 26 2015
 \$ 145.10
 The United States
 [Redacted]
 [Redacted]

El Paso Municipal Court
 810 E. Overland
 El Paso, TX 79901
 (915) 212-0215

Paid by:

Frederick S Timmons
 8350 Verdeland
 El Paso, TX 79907
 Citation # 18024597

State Fees	\$94.10
Bond	\$46.00
Other	\$5.00

Payment Amount:	\$145.10
Previous Paid :	\$0.00
Amount Owed :	\$145.10

Balance :	\$0.00
Change Due :	\$0.00

Date Received : 10/26/2015

Time Received : 01:31pm

Receipt # : [Redacted]

Issued by : MUNISS22 from MUNI

Payment Method: Check

If this was an active warrant, within
 10 days of receipt of the full bond/fine
 payment, an additional \$50.00 will be
 owed.

To pay in full, logon to www.elpasotexas.gov

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DATE: BY: TO

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Impeding Traffic Law & Legal Definition



Impeding traffic is typically defined when not operating a vehicle reasonably, so as to block the normal flow of traffic. It typically is used in cases where a person is blocking an intersection or driving too slow and causing a log jam. Laws vary by jurisdiction, but are generally follow a standard of "reasonable operation". The following is an example of a state law governing impeding traffic:

" 169.15 Impeding traffic.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or except when the vehicle is temporarily unable to maintain a greater speed due to a combination

of the weight of the vehicle and the grade of the highway. "

Definition List

[Impediments](#)
[Impeachment of Wages](#)
[Impeachment of Verdict](#)
[Impeachment of a Witness](#)
[Impeachment Clause](#)
[» Impeding Traffic](#)
[Imperative Theory of Law](#)
[Imperfect Defense](#)
[Imperfect Self Defense](#)
[Imperfect Statute](#)
[Imperfect Title](#)

Related Terms

[Terms with 'Impeding' or 'Traffic'](#)
[Air Traffic](#)
[Air Traffic Clearance](#)
[Air Traffic Control System](#)
[Air Traffic Controller](#)
[Air Traffic Service \(ATS\) Route](#)
[Highway Traffic Data](#)
[International Traffic in Arms Regulations \(ITAR\)](#)
[Moving Traffic Violation](#)
[National Highway Traffic Safety Administration \(NHTSA\)](#)
[National Traffic and Motor Vehicle Safety Act](#)

<http://definitions.uslegal.com/i/impeding-traffic/>

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6/26/2015

DATE: BY: TO:

- Citation Menu

C Citation
D Dispo
FS Fees
F Forms
H Hearings
M Memos
P Person
W Warrant
A Address
J Audit
S Summary
V Vehicle

Timmons, Frederick S
18824597 [6069286]
Traffic Citation

Status : Found Not Guilty In C
Modified: 02:52pm on 01/07/16
by Jacqueline Paz

Violation: Impeding Traffic [MT]

Date : 06/26/15 195 days

Time : 09:20am

Loc. : 8400 NORTH LOOP

Officer: ELIZALDE, MARTI

Status: 01/07/16 - Found Not Guilty In Court

Found Not Guilty In Court on 01/07/16

Category	Assessed	Balance
Bond/Fine	\$0.00	\$0.00
State Fees	\$0.00	\$0.00
Warrant Fees	\$0.00	\$0.00
Special Expense	\$0.00	\$0.00
Other Fees	\$0.00	\$0.00
	<hr/>	<hr/>
D	\$0.00	\$0.00

F1-Exit

F5-Memos F6-Hearng

Note: Initially Mr. Timmons set up his appointment for January 21, 2016 at 1000 hrs. This date was repeated to him several times to make sure he understood that was what he requested.

Mr. Timmons also told me to make sure the people up front would be aware he would be coming to the station and not running around up front not knowing what was going on. I advised him I would let them know I was expecting him.

On January 22, 2016 at 1000 hrs. Mr. Timmons arrived for his appointment insisting he was not scheduled for the 22nd. He continued to argue that I didn't even know what day it was. About an hour into his complaint he showed me his cell phone stating that he had made the appointment for the 22. I showed him my desk calendar and explain that I too had noted the date down and that was the 21st. I told him I would not argue this point any further.

During his interview he inserted the following points he believed to be of interest:

"The black officer, you know the one who works for the Sheriff's department, you know the one who knocked himself out at the station, he is an idiot." (referring to A/C Paul Cross)

Former Sheriff Leo Samaniego, I stated proceed with caution he is loved by many people, to which he responded. "He had to quit the PD because he and his partner stole some gold coins and a ring at a call." I said I know nothing of that.

Mr. Timmons said the MVRC PAR unit wasn't worth anything especially Officer Cordova. Stating that once he had to tell him off, gesturing that he had pointed directly in his face. Adding that the only officer worth anything in that unit was Officer Alfredo Chavez.

Mr. Timmons asked if she, (Elizalde) ever smiled. I responded, "Yes she does." He continuously mispronounced her name in a disparaging manner, finding humor in this act by laughing each time.

Mr. Timmons asked me if I had ever seen what a pit-bull dog bite does to a person. He then showed me his finger stating that his finger trembles all the time. I said that is unfortunate.

Mr. Timmons told many "war stories" about serving warrants and included that he has gone into Mexico to serve warrants. He then gave me his cell number saying that if I am ever in trouble to call him. I said, "No thank you, if I am ever in that kind of trouble I will call a lawyer."

Mr. Timmons kept saying off the record, and I told him no such thing exists at the PD. Anything he said to me would be included in his complaint.

Initially Mr. Timmons was rude to me and I advised him to calm down or we could not proceed. He apologized saying he is just upset about the whole incident.

FRED TIMMONS
599-2896
525-0992

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DATE: BY: TO

Valenzuela, Lucille

From: Bentley, Steffan
Sent: Monday, January 25, 2016 7:57 AM
To: Valenzuela, Lucille
Subject: RE: video request

Lt

I attempted to make a copy of the listed file, however I am unable to locate the file. Based on my finding it appears that the file has been purged. The file is well outside the 90 days required to hold a video file therefore a purge is not uncommon. I did check the other hard-drives assigned to this unit and all of them have older files or are clean hard drives (no files). I spoke to Ofc. Diaz about the fact that the complainant may have had this file made (open records) and he has no request from this video. At this time I do not think we will be able to find the requested video file.

SB


From: Valenzuela, Lucille
Sent: Friday, January 22, 2016 2:30 PM
To: Bentley, Steffan
Cc: Valenzuela, Lucille
Subject: video request

I need the video from the following vehicle, date and time:

6/26/15
Vehicle: V11097
0915-0930

**El Paso Police Department
Internal Affairs Division
Request Copy of Statement**

I, Martin Elanale, am requesting a copy of my sworn statement which was provided to Internal Affairs on 03/11/16. This request is in accordance with Article 30 of the collective bargaining agreement between the City of El Paso and the El Paso Municipal Police Officer Association as well as any relevant state statute.



Officer Signature

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DATE: BY: TO:



Original

EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT

Administrative Case #: IA16-0224

Location of Incident 9011 Escobar, El Paso, TX 79907		Date/Time of Incident 5-24-16@1600		Allegation Code	
Complainant Chief's Office		Address 911 N. Raynor, El Paso, TX 79903		Phone (915)212-4000	
Noted on Supervisor's Log By/Date		PID Initiation Approved By/Date Jennifer Callan, Director of Professional Responsibility			
Employee(s) Involved:	ID #	Division	On Probation?	Type of Probation / Date Probation Ends	
1. Ofc. Martina Elizalde	1817	MVRCC	No		
2. Ofc. Jose DeAvila	1986	MVRCC	No		
Employee Witness(s): 1. Lt. Lucille Valenzuela #1241					
Brief Explanation of Events: This Preliminary Information Document is being generated to document that the involved employee violated Department Policy and Procedure, Rules and Regulations, and any other relevant City of El Paso policy, including Civil Service Rules and Regulations, Policy and/or Procedure.					
Signatures: KD					
Supervisor Initiating Report Michael Valles #1833 <i>MV/1833</i>		Rank/Position Sergeant		Date/Time 9.19.2016, 2 nd	
Shift/Section Commander		Recommendation			
Division Commander		Recommendation			
Bureau Commander		Recommendation			
Final Disposition:					
1.					
2.					
3.					
Signature of Employee		Date/Time			



CASE REPORT
El Paso Police Department
Internal Affairs Division

Case No.: IA16-0224
Allegation: Administrative
Complainant: Chief's office

I. INFORMATION

Date of Incident: May 24, 2016
Reported: May 25, 2016
Date Received in IAD: July 5, 2016

II. DISCIPLINARY TIME TABLES

There are no criminal allegations in this investigation. Therefore, the 180-day rule is applicable for disciplinary action, if any in this case. The 180 day is November 20, 2016.

III. ALLEGATIONS

Allegation #1: It is alleged that on or about May 24, 2016, Officer Jose De Avila #1986 violated Department policies, procedures, rules and/or regulations, when he engaged in unprofessional conduct by telling Officer Elizalde #1817, "No, he was acting like you, he hated Mexicans too" in response to her inquiry about a prisoner Officer De Avila had transported earlier.

Allegation #2: It is alleged that on or about May 24, 2016, Officer Martina Elizalde #1817 violated Department policies, procedures, rules and/or regulations, when she engaged in unprofessional conduct by responding to Officer DeAvila, "I have nothing against Mexieans but I don't like stupid assholes like you."

Allegation #3: It is alleged that on or about May 25, 2016, Officer Martina Elizalde #1817 violated Department policies, procedures, rules and/or regulations by engaging in conduct that brought diseredit to herself and the Department when she stated:

- a) "She was tired of this shithole department and assholes like De Avila" after being asked what remedy she sought.
- b) "Don't be surprised if you see a hole in the wall" while speaking with Lt. Valenzuela about her complaint.
- c) "I will fuck them up, I'll fuck up their career to the next person who does something like this" while speaking with Lt. Valenzuela about her complaint.

IV. FACTS NOT IN DISPUTE

- Allegations occurred at 9011 Escobar (Mission Valley Regional Command), on May 24, 2016 at approximately 1600-1615hrs.
- Officer Martina Elizalde #1817 was in the computer area of the holding cells.
- Officer Jose De Avila #1986 was turning in his department issued equipment for the day.
- Holding cell video was available of the incident, but audio was not functioning.
- Officer Elizalde notified Lt. Lucille Valenzuela #1241 of the incident via phone after Lt. Valenzuela was off the clock.
- Lt. Valenzuela met with Officer Elizalde the next day and documented the incident in the supervisor's log (Blue team log) under case number IA16-0224.

V. TIMELINE:

May 24, 2016

- 15:50:00-Officer Martina Elizalde #1817 is observed at one of the computers in the holding cell area.
- 15:50:35- G4S Officer Marcos Rojas is also observed on the counter area of the holding cells.
- 15:52:20-G4S Officer Maria Gonzalez is observed on the counter area of the hold cells.
- 15:57-Officer Jaime Castaneda is observed speaking to the G4S officers
- 15:58-Officer Castaneda steps out of frame and no longer observed in the holding cell area.
- 16:02:45-Officer Jose De Avila #1986 walks in from outside to the counter area of the holding cells with his issued equipment.
- 16:02:55-Officer Elizalde turns her attention from the computer screen to Officer De Avila (Officer Elizalde seems to talk to Officer De Avila at this time-no audio as noted on the supervisor's log).
- 16:03:14-Officer Elizalde turns back around to the computer screen.
- 16:03:45-Officer Elizalde leaves the computer area and walks to the desk area. Officer Victor Almanza approaches Officer De Avila to pick up his equipment.
- 16:04:00-Officer De Avila leaves the holding cell area.
- 16:04:13-Officer Elizalde returns to the holding cell area to the computer she was using.
- 16:16:29-Officer Elizalde makes a phone call from her cell phone (possibly call placed to Lt. Valenzuela to inform her of the incident with Officer De Avila).
- 16:17:58-Officer Elizalde ends phone call

May 25, 2016

- 0600-Officer Martina Elizalde #1817 met with Lt. Lucille Valenzuela #1241 in reference to the incident with Officer De Avila on the previous day.

VI. RELEVANT POLICIES, PROCEDURES, RULES & APPLICABLE LAW

The issues in the investigation revolve around the acts or omissions of Officer Jose De Avila #1986 and Officer Martina Elizalde #1817 while on duty. As such, the relevant policies and procedures and applicable law are as follows:

- Section 0-401 *et seq.*, El Paso Police Departments Procedures Manual
- Section 0-402 *et seq.*, El Paso Police Departments Procedures Manual

KD2897

Page 2 of 5

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DATE: 12/10/18 BY: C1722

TO:

D Nathan

- Section 0-405 *et seq.*, El Paso Police Departments Procedures Manual
- Section 0-406 *et seq.*, El Paso Police Departments Procedures Manual
- Rule 1, El Paso Police Department Procedures Manual Addendum, Rules and Regulations
- Rule 9 *et seq.*, El Paso Police Department Procedures Manual Addendum, Rules and Regulations
- Rule 14 *et seq.*, El Paso Police Department Procedures Manual Addendum, Rules and Regulations
- Rule 27 *et seq.*, El Paso Police Department Procedures Manual Addendum, Rules and Regulations
- City of El Paso Civil Service Rule 8 *et seq.*
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation.

VII. STATEMENTS

1. **Accused Employee Officer Jose De Avila #1986** was given a timely notice of this investigation. He was provided with his applicable rights and interviewed on or about 10/21/16. He did not have association representation present during the interview. A follow up interview was obtained from Officer Jose De Avila on or about 10/28/2016. Officer De Avila did not have an association rep present during the follow up interview.
2. **Accused Employee Officer Martina Elizalde** was given a timely notice of this investigation. She was provided with her applicable rights and interviewed on or about 10/31/16. She had association representation (Sgt. Ron Martin) present during the interview.
3. **Witness Employee: Lieutenant Lucille Valenzuela #1241**
4. **Civilian Witness: Maria Gonzalez and Marcos Rojas**

VIII. EVIDENCE/PHOTOGRAPHS/MVR/VIDEOS, ETC.

- a. Entire case file for administrative case IA16-0224
- b. All statements in administrative case IA16-0224
- c. MVRCC holding area video
 - a. Officer Martina Elizalde #1817 is observed at one of the computers in the holding cell area.
 - b. G4S Officer Marcos Rojas is also observed on the counter area of the holding cells.
 - c. G4S Officer Maria Gonzalez is observed on the counter area of the hold cells.
 - d. Officer Jaime Castaneda is observed speaking to the G4S officers
 - e. Officer Castaneda steps out of frame and no longer observed in the holding cell area.
 - f. Officer Jose De Avila #1986 walks in from outside to the counter area of the holding cells with his issued equipment.
 - g. Officer Elizalde turns her attention from the computer screen to Officer De Avila.

- h. Officer Elizalde turns back around to the computer screen.
- i. Officer Elizalde leaves the computer area and walks to the desk area. Officer Victor Almanza approaches Officer De Avila to pick up his equipment.
- j. Officer De Avila leaves the holding cell area.
- k. Officer Elizalde returns to the holding cell area to the computer she was using.
- l. Officer Elizalde makes a phone call from her cell phone.
- m. Officer Elizalde ends phone call

IX. CANVASSING:

- N/A

X. CASE NOTES

- Station video provided was of two angles in the holding cell area, none of which had audio. It was noted in the blue team (supervisor's log) that the audio was not working during the time of incident.

XI. INVESTIGATOR NOTES:

- 7-5-16: Det. Diaz is assigned case by Sgt. T. Lee.
- 7-7-16: Emailed Lt. Valenzuela, Station Manager and Ofc. Diaz reference obtaining a copy of the station video.
- 7-11-16: Station video received at office sent by Ofc. Diaz. He advised that there was no audio available due to a malfunction in their system.
- 9-19-16: Email sent to Clint Porter(G4S) supervisor to set up appointment with G4S Officers who are possible witnesses to the incident. PID created.
- 9-21-16: Began drafting questions for case. PID, R&R and first noticed drafted and sent to A/E Officers DeAvila and Elizalde.
- 9-27-16: Received first notice and R&R from Officer De Avila. Returned Officer Elizalde's paperwork due to being incomplete.
- 10-4-16: Obtained a statement from ex G4S officer Marcos Rojas. Scheduled appt with Maria Gonzalez (G4S) to obtain statement at the MVRCC on 10-5-16 @ 1600hrs (during her work hours).
- 10-5-16: Obtained statement from G4S Officer Gonzalez at the MVRCC. Witness statement and rights sent to Lt. Valenzuela via email.
- 10-7-16: Lt. Valenzuela's witness statement and rights received.
- 10-14-16: Ofc. De Avila scheduled for statement on 10-21-16 @0900hrs
- 10-21-16: Ofc. De Avila provided a statement at the Internal Affairs office.
- 10-24-16: Ofc. De Avila scheduled for a follow up interview on 10-28-16.
- 10-25-16: Ofc. Martina Elizalde scheduled for 11-1-16 @ 0900hrs. Received email from Ofc. Elizalde advising she was going to be late due to a pension meeting. Email forwarded to Sgt. Valles, Lt. Lanahan and Director Callan. Officer Elizalde rescheduled for Oct 31, 2016 @ 0900 hrs.
- 10-31-16: Ofc. Elizalde provided statement at IA and requested a rep. Rep. Sgt. Ron Martin was provided and was in the interview along with Det. Sanchez. Began drafting case summary.
- 11-1-16: Continued drafting case summary. Follow up statement needed from Lt. Valenzuela (returns to work on 11-4-16; 2000-0600). Follow up statement sent to Lt. Valenzuela via email.

SUBMITTED BY:

Detective Karla Diaz #2897

KD2897

Page 5 of 5

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/18 BY: C1722 TO: D Nathan



Original

**EL PASO POLICE DEPARTMENT
PRELIMINARY INFORMATION DOCUMENT**

Administrative Case #: IA16-0224

Location of Incident 9011 Escobar, El Paso, TX 79907		Date/Time of Incident 5-24-16@1600		Allegation Code	
Complainant Chief's Office		Address 911 N. Raynor, El Paso, TX 79903		Phone (915)212-4000	
Noted on Supervisor's Log By/Date		PID Initiation Approved By/Date Jennifer Callan, Director of Professional Responsibility			
Employee(s) Involved:	ID #	Division	On Probation?	Type of Probation / Date Probation Ends	
1. Ofc. Martina Elizalde	1817	MVRCC	No		
2. Ofc. Jose DeAvila	1986	MVRCC	No		
Employee Witness(s):					
1. Lt. Lucille Valenzuela #1241					
Brief Explanation of Events:					
This Preliminary Information Document is being generated to document that the involved employee violated Department Policy and Procedure, Rules and Regulations, and any other relevant City of El Paso policy, including Civil Service Rules and Regulations, Policy and/or Procedure.					
Signatures: KD					
Supervisor Initiating Report Michael Valles #1833		Rank/Position Sergeant		Date/Time 9.19.2016, 2 nd	
Shift/Section Commander		Recommendation			
Division Commander		Recommendation			
Bureau Commander		Recommendation			
Final Disposition:					
1. <i>Officer J. De Avila Satisfied Formal Counseling or EBD</i>					
2. <i>Officer M. Elizalde Sustained on All - 16 hrs. Suspension</i>					
3.					
Signature of Employee		Date/Time			
<i>[Signature]</i> #1833		11-18-16 1330			

[Signature] #1239 - EPMRA
Fr. M. Elizalde #1817

11/18/16 1432HRS.

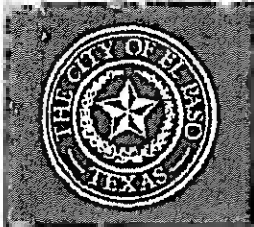
[Signature]
11.8.16

PUBLIC RECORDS INFORMATION
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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

OATE:12/10/18 BY: C1722

TO:

D Nathan



El Paso Police Department

Mayor
Oscar Leeser

TO: EPMPOA
FROM: Jennifer F. Callan
Director, Professional Accountability
Internal Affairs Division

City Council

REF: Receipt of disposition for administrative case IA16-0224

District 1
Peter Svarzbein

DATE: November 18, 2016

District 2
Jim Tolbert

District 3
Emma Acosta

This memo shall serve as documentation that in Officer Martina Ellzalde #1817 absence, you have received her discipline (to wit: suspension settlement of 11 hours) given in reference to administrative case IA16-0224. Such is authorized per Article 30, Section 2 of the Articles of Agreement between the City of El Paso, Texas and the El Paso Municipal Police Officers Association.

District 4
Carl L. Robinson

District 5
Dr. Michael R. Noe

District 6
Claudia Ordaz

A handwritten signature of Randy Rodriguez in black ink.

11-18-2016

District 7
Lily Limón

Randy Rodriguez
Secretary EPMPOA

Date

District 8
Courtney C. Nlland

City Manager
Tommy Gonzalez

Greg Allen – Chief of Police
911 Raynor | El Paso, Texas 79903 | (915) 212-4000

"Delivering Outstanding Services"

PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/18 BY: C1722 TO: D Nathan

In the Matter of:

Officer Martina Elizalde #1817

and

The El Paso Police Department
of the City of El Paso, Texas.

§
§
§
§
§
§
§

Case No.: IA16-0224

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into between the El Paso Police Department of the City of El Paso, Texas ("Department") and Officer Martina Elizalde #1817.

I. RECITALS

A. On or about July 5, 2016, the Internal Affairs Division of the Department began an administrative investigation, under case IA16-0224, into certain alleged misconduct by Officer Martina Elizalde #1817 that occurred on or about May 24, 2016 when she engaged in conduct that was unprofessional and brought discredit to herself as well as the Department. As a result of said administrative investigation, the Department determined that discipline was justified and a 16-hour suspension was recommended for the conduct Officer Martina Elizalde #1817 engaged in during the time in question.

B. Based on the totality of the circumstances, the parties entered into an agreement regarding the discipline given and to be given to Officer Martina Elizalde #1817 for her conduct at issue in case IA16-0224. Furthermore, the parties desire to enter into this Settlement Agreement ("Agreement") in order to provide a full and final settlement to the disciplinary action under case IA16-0224, upon the terms and conditions set forth herein.

II. AGREEMENT

As consideration for the mutual promises contained herein, the parties agree as follows:

1. In exchange for the promises of the employee, Officer Martina Elizalde #1817, contained herein, the Department agrees to the following disciplinary action:

(a) Officer Martina Elizalde #1817 will be suspended for 11-hours as per settlement for her conduct at issue in case IA16-0224.

(b) Officer Martina Elizalde #1817 history card will reflect an 11-hour suspension for "unprofessional conduct and violation of Rule 9 (conduct discrediting)" as per settlement.

2. In exchange for the promises of the Department contained herein and as a material inducement to the Department to enter into this Agreement, without which the Department would not be willing to enter into said agreement, Officer Martina Elizalde #1817, acknowledges and agrees to the following:

(a) Officer Martina Elizalde #1817 acknowledges and agrees that she freely and voluntarily accepts the disciplinary terms set forth in this Agreement. Officer Martina Elizalde #1817 further

IA16-0224 Elizalde #1817
Settlement Agreement

acknowledges and warrants that she has not been influenced to any extent whatsoever in signing this Agreement nor has she relied upon any representations or statements regarding case IA16-0224 made by any person or persons from Internal Affairs, the Chief's Office, or any member of the El Paso Police Department.

(b) Officer Martina Elizalde #1817 declares and represents that she has relied upon her own opinions and/or the advice of her attorney, if she sought legal representation, concerning the legal consequences of this Agreement, which includes waiver of rights; that the terms of this Agreement, which includes waiver of rights, have been completely read by Officer Martina Elizalde #1817 and explained to her, if requested, and that the terms of this Agreement, which includes waiver of rights, are fully understood and voluntarily accepted by Officer Martina Elizalde #1817.

(c) Officer Martina Elizalde #1817 acknowledges and warrants that she will not revoke said disciplinary terms set forth above in this Agreement, and expressly waives any and all rights, including the right of appeal, that she may have under the rules of the Civil Service Commission, the Civil Service Amendment to the Charter of the City of El Paso, or any ordinance of the City of El Paso to have said settlement set aside or reversed.

(d) Officer Martina Elizalde #1817 will not appeal the above-mentioned disciplinary action or this Agreement.

(e) Officer Martina Elizalde #1817 will not litigate in any forum, judicial or administrative, including but not limited to FLRA, EEO, independent arbitrator and/or Civil Service Commission, any state or federal court, any claims arising from or relating to the matters contained in this Agreement, except for an action to enforce the terms of said agreement.

3. The parties acknowledge and warrant that this Agreement is not an admission of liability, negligence or misconduct by the employee, Officer Martina Elizalde #1817.

4. The parties acknowledge and warrant that this Agreement shall not act as precedent for any current or future personnel action, administrative procedure, grievances or litigation of any kind involving the Department, Officer Martina Elizalde #1817 or any other employee of the Department. The parties further acknowledge and warrant that this Agreement cannot and will not be used in the future as a standard, model, guide, pattern, past practice or example and does not in any way set precedent whatsoever on disciplinary matters.

5. The parties understand and agree that this Agreement in no way changes, alter, amends, revises and/or modifies the current Articles of Agreement between the City of El Paso, Texas and the El Paso Municipal Police Officers' Association.

6. The parties agree to cooperate fully and execute any and all supplementary documents and take any additional actions that may be necessary or appropriate to give full force and effect to the terms, conditions and intent of this Agreement.

7. In entering into this Agreement, Officer Martina Elizalde #1817 represents that she has relied upon the advice of her attorney, if she sought legal representation and such attorney is one of her own choice, concerning the legal consequences of this Agreement; that the terms of this Agreement have been completely read and explained to her by her respective attorney, if any, and that the terms of this Agreement are fully understood and voluntarily accepted by her, as represented by her signature below. Officer Martina Elizalde #1817 further acknowledges and warrants that she has not been influenced to

IA16-0224 Elizalde #1817
Settlement Agreement

any extent whatsoever in signing this Agreement and that execution of said Agreement is done knowingly, freely and voluntarily.

8. The parties agree to pay their own costs and attorneys fees arising from the actions of their own counsel in connection with all matters related to the case IA16-0224.

9. The parties acknowledge and agree that the City of El Paso shall be a third-party beneficiary of this Agreement.

10. This Agreement shall be construed and interpreted in accordance with the laws of the State of Texas. Should any term or provision of this Agreement be declared invalid by a court of competent jurisdiction, the parties intend that all other terms, conditions and provisions of this Agreement should be valid and binding and have full force and effect as if the invalid portion had not been included.

11. The parties acknowledge and warrant that this Agreement contains the entire agreement between them with regard to the disciplinary matters set forth in it and shall be binding upon all. The parties further acknowledge and warrant that the terms of this Agreement are contractual in nature and are not mere recital. In any action brought on any claim of any kind relating to administrative case IA16-0224, this Agreement may be pled by the party against whom the claim is filed as a defense and this Agreement may be used by any party in any suit for breach of this Agreement.

12. This Agreement shall become effective immediately following the execution of such by each of the parties.

Officer Martina Elizalde #1817

Date



GREGORY ALLEN, Chief
El Paso Police Dept.

11/16/2016

Date

IA16-0224 Elizalde #1817
Settlement Agreement

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HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/18 BY: C1722 TO: D Nathan

In the Matter of:

Officer Jose DeAvila #1986

§

and

§

Case No.: IA16-0224

§

The El Paso Police Department
of the City of El Paso, Texas.

§

§

§

EDUCATION BASED DISCIPLINE AGREEMENT

This Education Based Discipline Agreement ("Agreement") is made and entered into between the El Paso Police Department of the City of El Paso, Texas ("Department") and Officer Jose De Avila #1986.

I. RECITALS

A. On or about October 4th 2016, the Internal Affairs Division of the Department began an administrative investigation, under case IA16-0224, into certain alleged misconduct by Officer Jose De Avila #1986 that occurred on or about May 24th 2016 when engaged in unprofessional conduct in statements made to another officer. First notice of this investigation was timely given to said employee. As a result of said administrative investigation, the Department determined that discipline was justified and recommended formal counseling for Officer Jose De Avila #1986 in regards to his conduct during the time in question.

B. Based on the totality of the circumstances, the parties entered into this Agreement regarding the discipline to be given to Officer Jose De Avila #1986 for his conduct at issue in administrative case IA16-0224. Furthermore, the parties desire to enter into this Agreement in order to correct said officer's behavior and to ensure effective and efficient departmental operations in the future. The parties enter into this Agreement upon the terms and conditions set forth herein.

II. AGREEMENT

As consideration for the mutual promises contained herein, the parties agree as follows:

1. In exchange for the promises of the employee, Officer Jose De Avila #1986, contained herein, the Department agrees to the following disciplinary action:

- (a) Officer Jose De Avila #1986 will complete Education Based Discipline ("EBD") program as an alternative to an 8-hour suspension for administrative case IA16-0224. EBD is an alternative to formal counseling and will not be placed on his discipline history card, if successfully completed. The sustained finding will be noted on the employee's concise history only if EBD is successfully completed.

- (b) Failure to successfully complete the terms of the EBD will result in the imposition of the discipline recommended by the Department that was outlined on the Preliminary Information Document, to-wit: formal counseling for administrative case IA16-0224 and his history card will reflect a formal counseling for "unprofessional conduct." A partial completion of EBD will not mitigate any portion of the discipline outlined on the Preliminary Information Document.
- (c) The terms of the EBD are stated in a memo attached to this Agreement as Exhibit "A," which is incorporated herein for all purposes as if set forth verbatim.

2. In exchange for the promises of the Department contained herein and as a material inducement to the Department to enter into this Agreement, without which the Department would not be willing to enter into said agreement, Officer Jose De Avila #1986 acknowledges and agrees to the following:

- (a) Officer Jose De Avila #1986 acknowledges and agrees that he freely and voluntarily desires to take EBD as an alternative to formal counseling for administrative case IA16-0224 and therefore, accepts the terms of the EBD as set forth in Exhibit "A" to this Agreement, which is incorporated herein for all purposes.
- (b) Officer Jose De Avila #1986 further acknowledges and warrants that he has not been influenced in any manner in deciding to take EBD. Officer Jose De Avila #1986 acknowledges and warrants that he has not been influenced to any extent whatsoever in signing this Agreement nor has he relied upon any representations or statements regarding the discipline options available to him for administrative case IA16-0224 that may have been made by any person or persons from Internal Affairs, the Chief's Office, and any member of the El Paso Police Department.
- (c) Officer Jose De Avila #1986 acknowledges and warrants that he understands that if he fails to successfully complete the terms of the EBD, as set forth in Exhibit "A" to this Agreement, which is incorporated herein for all purposes, he will receive formal counseling for administrative case IA16-0224 and will not have the right to appeal such. Officer Jose De Avila #1986 acknowledges and warrants his understanding that a partial completion of EBD will not mitigate any portion of the discipline outlined on the Preliminary Information Document for administrative case IA16-0224.
- (d) Officer Jose De Avila #1986 acknowledges and warrants that he will not revoke said terms set forth above in this Agreement or its attachments, and expressly waives any and all rights that he may have under the rules of the Civil Service Commission, the Civil Service Amendment to the Charter of the City of El Paso, the Articles of Agreement between the City of El Paso, Texas and the El Paso


Municipal Police Officers' Association or any ordinance of the City of El Paso to have said Agreement set aside or reversed.

- (e) Officer Jose De Avila #1986 will not appeal the above-mentioned disciplinary action or this Agreement.
 - (f) Officer Jose De Avila #1986 will not litigate in any forum, judicial or administrative, including but not limited to FLRA, EEO, independent arbitrator and/or Civil Service Commission, any state or federal court, any claims arising from or relating to the matters contained in this Agreement, except for an action to enforce the terms of said agreement.
3. The parties acknowledge and warrant that this Agreement is not an admission of liability, negligence or misconduct by the employee, Officer Jose De Avila #1986.
4. The parties acknowledge and warrant that EBD is an alternative to sustained discipline being provided by the Department. Further, the parties acknowledge and agree that the decision to offer EBD rests solely with the Department. Therefore, the parties acknowledge and warrant that this Agreement shall not act as precedent for any current or future personnel action, administrative procedure, grievances or litigation of any kind involving the Department, Officer Jose De Avila #1986 or any other employee of the Department. The parties further acknowledge and warrant that this Agreement cannot and will not be used in the future as a standard, model, guide, pattern, past practice or example and does not in any way set precedent whatsoever on disciplinary matters.
5. The parties understand and agree that this Agreement in no way changes, alters, amends, revises and/or modifies the current Articles of Agreement between the City of El Paso, Texas and the El Paso Municipal Police Officers' Association.
6. The parties agree to cooperate fully and execute any and all supplementary documents and take any additional actions that may be necessary or appropriate to give full force and effect to the terms, conditions and intent of this Agreement.
7. In entering into this Agreement, Officer Jose De Avila #1986 represents that he has relied upon the advice of his attorney, if he sought legal representation and such attorney is one of his own choice, concerning the legal consequences of this Agreement; that the terms of this Agreement have been completely read by him and he has sought explanation, if any, on his own from his attorney of his own choice and that the terms of this Agreement are fully understood and voluntarily accepted by him, as represented by his signature below. Officer Jose De Avila #1986 further acknowledges and warrants that he has not been influenced to any extent whatsoever in signing this Agreement and that execution of said Agreement, including the decision to take EBD, is done knowingly, freely and voluntarily.
8. This Agreement shall be construed and interpreted in accordance with the laws of the State of Texas. Should any term or provision of this Agreement be declared invalid by a court of

competent jurisdiction, the parties intend that all other terms, conditions and provisions of this Agreement should be valid and binding and have full force and effect as if the invalid portion had not been included.

9. The parties acknowledge and warrant that this Agreement contains the entire agreement between them with regard to the disciplinary matters for administrative case IA16-0224 as set forth in it and shall be binding upon all. The parties further acknowledge and warrant that the terms of this Agreement are contractual in nature and are not mere recital. In any action brought on any claim of any kind relating to administrative case IA16-0224, this Agreement may be pled by the party against whom the claim is filed as a defense and this Agreement may be used by any party in any suit for breach of this Agreement.

10. This Agreement shall become effective immediately following the execution of such by each of the parties.



Officer Jose De Avila #1986

11-18-16

Date

GREGORY ALLEN, Chief
El Paso Police Dept.

Date

VERIFICATION

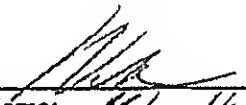
STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This instrument was acknowledged before me on this the 18 day of November, 2016, by Officer Jose De Avila #1986. Officer Jose De Avila #1986 is known to me personally or provided legally sufficient proof of his identity and provided similar proof of his identity in executing this Education Based Discipline Agreement.

Officer Jose De Avila #1986 acknowledged to me that he executed this Education Based Discipline Agreement is a settlement for the purpose and consideration therein expressed; that it was execute as his free and voluntary act and deed, having had it fully explained and after having read it fully; and after realizing the effect hereof and fully understands its significance.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18th day of Nov., 2016.

My commission expires:


Printed Name: Mike Valles
Notary Public in and for the State of Texas

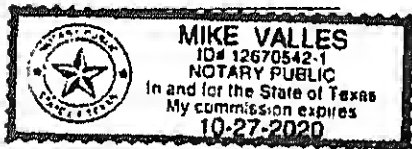
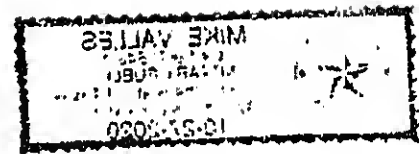
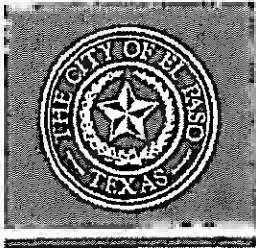


EXHIBIT "A"





El Paso Police Department

Mayor
Oscar Leeser

TO: Officer Jose De Avila #1986
FROM: Sgt. M. Valles #1833, Internal Affairs
RE: Education Based Discipline Terms
Administrative Case: IA16-0224

City Council

DATE: November 18, 2016

District 1
Peter Svarzbein

District 2
Jim Tolbert

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

This memo details the Education Based Discipline ("EBD") that you have voluntarily agreed to take as an alternative to formal counseling for administrative case IA16-0224. As previously explained, EBD is an optional discipline alternative to the discipline determined to be appropriate for administrative case IA16-0224 by the Department.

The terms of your EBD for administrative case IA16-0224 are as follows:

- Read the following (copies provided):
 - Section 0-401 *et seq.*, El Paso Police Department Procedures Manual
 - Section 0-404 *et seq.*, El Paso Police Department Procedures Manual
 - Section 0-406 *et seq.*, El Paso Police Department Procedures Manual
 - Rule 1, El Paso Police Department Procedures Manual Addendum, Rules and Regulations
 - Rule 14 *et seq.*, El Paso Police Department Procedures Manual Addendum, Rules and Regulations
 - Rule 9, El Paso Police Department Procedures Manual Addendum, Rules and Regulations.
 - Article: "People Skills: Indispensable Qualities for Successful People."
 - Article: "Courtesy Counts."
- Meet with Lt. John Lanahan to discuss the above materials and application.
- Write a paper (not to exceed 2-pages) applying the reading material referenced above and the practical matters discussed with IAD to the circumstances at issue in administrative case IA16-0224.
- Attend the following classes at the El Paso Police Academy:
 - Life Course
 - Ethics for Law Enforcement
 - Sensitivity training

City Manager
Tommy Gonzalez

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

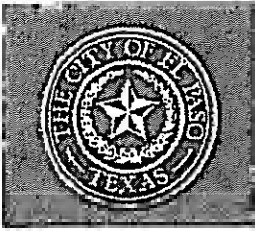
"Delivering Outstanding Services"

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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 2/10/18 BY: C1722

TO:

D Nathan



El Paso Police Department

- Write an EBD evaluation reflecting on your experience with the EBD process.

IA16-0224 De Avila #1986

Page -2-

You must complete the above EBD terms on or by December 30, 2016. Failure to successfully complete EBD by this date will result in the imposition of the discipline of formal counseling for administrative case IA16-0224, which was the original discipline recommended by the Department and your discipline history card will a formal counseling for "unprofessional conduct".

ACKNOWLEDGE AND AGREE TO THE TERMS STATED ABOVE:

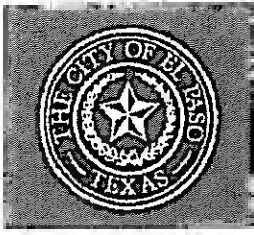

Officer Jose De Avila #1986

11-18-16
Date

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

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DATE: 12/10/18 BY: C1722 TO: D Nathan



El Paso Police Department

Mayor
Oscar Leeser

To: Officer Jose De Avila #1986
From: Gregory K. Allen, Police Chief
Subject: Formal Counseling
Administrative Case #IA16-0224

City Council

Date: January 26, 2017

District 1
Peter Svarzbein

On or about May 24th, 2016 you were working in your capacity as a police officer for the City of El Paso and became involved in a conversation with the G4S officers. You provided a statement for the administrative which you acknowledge that Officer Martina Elizalde #1817 interrupted the conversation, which she was not a part of. You acknowledge in your statement that you stated to Officer Elizalde that she was acting like your previous arrestee who had also "interrupted you and who happened to dislike Mexicans". The administrative investigation determined that your comment was unprofessional.

District 2
Jim Tolbert

District 3
Emma Acosta

District 4
Carl L. Robinson

The evidence in this administrative case clearly established that your conduct at issue is in violation of the Department policies, procedures, rules and/or regulations. The Department has established policies, procedures, rules and regulations that govern employees' conduct. The conduct and demeanor of each employee reflects on his professionalism and is a direct representation of the El Paso Police Department. We expect you to observe all Department policies, procedures, rule, regulations and any other factor that affects or impacts your duties and responsibilities as an officer in order to avoid any further violations.

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

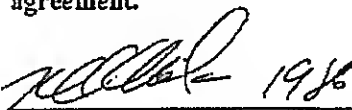
District 7
Lily Limón

District 8
Cortney C. Niland

Be advised that future violations may result in corrective action to be taken against you. In accordance with Civil Service Commission Rule 8 Section 8, Formal Counseling, employees have the right to "place responses to the formal counseling into their personnel files which shall remain in the file so long as the formal counseling to which the response relates remains in the file." Additionally, "upon an employee's request, a formal counseling shall be removed from an employee's personnel file after the expiration of twenty-four (24) months from the date of the formal counseling, provided the employee has not received any disciplinary action during that time period." Your history card will reflect a formal counseling for "Unprofessional conduct- other"

City Manager
Tommy Gonzalez

I received a copy of this memo. I understand that my signature does not indicate agreement.


Officer Jose De Avila #1986

1-26-17
Date

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

"Delivering Outstanding Services"

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 12/10/18 BY: C1722 TO: D Nathan



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, El Paso, TX 79903
PHONE: (915)212-400

This statement is given voluntarily to: Detective Karla Diaz #2897 of the El Paso Police
Department Internal Affairs Division

By: Marcos Antonio Rojas

D.O.B.: [REDACTED]

Address: 14861 Alcomands, El Paso, TX 79928

Phone: (915)443-8214

DL# [REDACTED]

Date/Time: 10-04-16@1516

My name is Marcos Rojas and I am 42 years of age. I am presently employed with Self-employed. I am giving this statement voluntarily to Detective Diaz #2897. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

I understand that I am a witness to an incident that occurred involving Officer Martina Elizalde #1817 and Officer Jose De Avila #1986 (IA16-0224).

ML I was working as a G4S and I was in the counters. I believe Officer Elizalde was in the computers and Officer De Avila showed up. I cannot recall them exchanging words or any speak between them. Detective Diaz asked me if I observed them argue or call each other names. I did not observe them. I was also asked by Detective Diaz if I remembered what they were talking about and if they had interaction. I could not recall that. *ML*

1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
No.
2. Can you identify any other persons who might have information relative to this investigation?
Maria Gonzalez, G4S

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.

Page 1 of 2

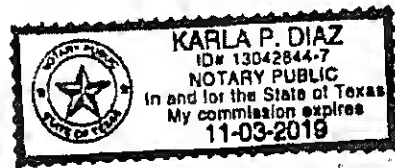
[Signature]

Subscribed and sworn to before me, the undersigned authority, on this 4th, day of October, 2016

[Signature]
NOTARY PUBLIC STATE OF TEXAS

Witness(s):

1. _____
2. _____





PUBLIC RECORDS INFORMATION
ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
HAVE BEEN REMOVED IN ACCORDANCE WITH THE
TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/18 BY: C1722 TO: D Nathan



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, El Paso, TX 79903
PHONE: (915)212-4000

This statement is given voluntarily to: Detective Karla Diaz #2897 of the El Paso Police
Department Internal Affairs Division

By: Maria Gonzalez

D.O.B.: [REDACTED]

Address: 819 Pueblo, El Paso, TX 79903

Phone: (915) 342-0778

DL# [REDACTED]

Date/Time: 10-5-16 @1612

My name is Maria Gonzalez and I am 51 years of age. I am presently employed with G4S secure solutions as a Security guard and have been since December 12, 2013. I am giving this statement voluntarily to Detective Diaz #2897. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

plus On May 24, 2016, I came in and dropped my stuff and met with my partner Rojas. We were talking about the 10-15(prisoner) we had there and if he was almost ready. Officer Martina Elizalde she was doing a report and from the video I saw. I saw Officer De Avila show up, but I do not recall any conversation. I remember the 10-15 and his property that is all I remember. Detective Diaz asked me if I saw Officer De Avila and Officer Elizalde any exchange of words or arguing. I didn't recall. *plus*

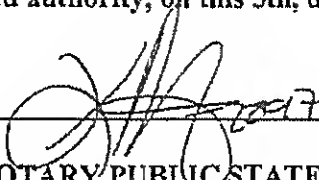
1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
No.
2. Can you identify any other persons who might have information relative to this investigation?
No

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Maria B. [Signature]

Page 1 of 2

Subscribed and sworn to before me, the undersigned authority, on this 5th, day of October, 2016.


NOTARY PUBLIC STATE OF TEXAS

Witness(s):

1. _____
2. _____





**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, El Paso, TX 79903
PHONE: (915)212-4000

This statement is given to: Detective Karla Diaz #2897
of the El Paso Police Department Internal Affairs Division
by: Lt. Lucille Valenzuela #1241
Date & Time: 10/05/16 @ 1646

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Lucille Valenzuela and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of October 21, 1988. I am currently assigned to the Central Regional Command Center. I have been ordered to give an Administrative Witness Statement to Detective K. Diaz #2897 of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Lucille Valenzuela, am under a direct order to disclose any and all information about the case I am being questioned.

1. On May 25, 2016, you generated a supervisor's log documenting a phone call you received on May 24, 2016, from Officer Martina Elizalde #1817 wanting to file a complaint against Officer Jose DeAvila #1986. Is this correct?
 Yes, this is correct.

KD

Lt. Lucille Valenzuela #1241

Page 1 of 6

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DATE: 12/10/18 BY: C1722

TO:

D Nathan

2. Do you stand by your Supervisor's Log which you generated on May 25, 2016? Yes.

a. If not, which changes would you like to make? No changes.

3. Please explain all your involvement in the above mentioned incident.

5/24/16 1622 hrs. At the time I was assigned to the MVRC and while I was on my way home, I received a phone call from Officer Elizalde. Officer Elizalde speaking in an angry tone, advising that she wanted to file a complaint against Officer Joe De Avila. I advised her that she could wait until tomorrow or seek out an on-duty supervisor. Officer Elizalde advised she would wait until tomorrow. Call lasted 1 minute 23 seconds. The complaint was over a remark De Avila made to her.

05/25/16 0600 hrs. I met with officer Elizalde to find out what she wanted to file on. Officer Elizalde advised of the following:

1610-1620 hrs. Officer De Avila and two G4S officers were discussing an earlier prisoner De Avila had brought in. The G4S officers asked if the prisoner who is a transient smelled.

Elizalde asked if he smelled to which Officer De Avila is alleged to have said:

"No, he was acting like you, he hated Mexicans too."

To which she responded: "I don't hate Mexicans I hate assholes like you, it's not my fault those assholes are Mexicans." This is what Elizalde reported to me.

I asked if she desired to file a complaint she got a little upset as if frustrated with my question. Elizalde stated she wanted to file a complaint. I asked what remedy she was seeking and she stated that she is tired of this shithole department and assholes like De Avila. She then said don't be surprised if you see a hole in the wall and I advised her that if she punched any walls she would be arrested for criminal mischief. I also advised her that she is not to engage anyone in a fight and she said, "I'm not going to fuck up my career for anyone, then they win." I told her I had to let her know that any criminal behavior will not be tolerated.

Officer Elizalde aid the next person who does something like this, "I will fuck them up, I fuck up their career."

Elizalde also said that this department knows of a place to put her but won't I asked where is that place and she didn't respond. Elizalde never threatened to harm anyone by engaging in a fight.

4. What was Officer Elizalde's demeanor when she spoke to you over the phone? Please explain. Elizalde's tone was angry or frustrated, This is not the first time I have heard this tone from her because she frequently likes to complain about a lot of things from the configuration of the MCTs in the patrol cars to an officer taking too long to respond on a call just to name two things.

5. Please explain what Officer Elizalde told you over the phone on May 24, 2016. Elizalde mentioned that she and Joe De Avila got into an argument and she was sick and tired of this sort of thing. This isn't the first time Elizalde has had an issue with a person on the shift.
6. Were you working on-duty at the time Officer Elizalde called you? No I was already off for the day and I live approximately 25 miles away, I was about ¾ of the way home when she called me.
7. Please explain what you advised Officer Elizalde over the phone in regards to her complaint. I told her she could either wait until I get back to work the following day or she could seek out an on-duty supervisor and speak to them about this. Elizalde said she would wait until the following day.
8. You met with Officer Elizalde the following day (May 25, 2016). What was Officer Elizalde's demeanor? Please explain.

Elizalde was more calm when speaking to me, I don't mean to give the impression she was hysterical on the phone the previous day she was just upset. She wasn't disrespectful when she met with me. I guess she was trying to convey her frustration.

9. What did Officer Elizalde tell you about the incident she had on May 24, 2016? Please explain in detail.

Elizalde said:

1610-1620 hrs. Officer De Avila and two G4S officers were discussing an earlier prisoner De Avila had brought in. The G4S officers asked if the prisoner who is a transient smelled.

Elizalde asked if he smelled to which Officer De Avila is alleged to have said: "No, he was acting like you, he hated Mexicans too."

To which she responded: "I don't hate Mexicans I hate assholes like you, it's not my fault those assholes are Mexicans." This is what Elizalde reported to me.

I asked if she desired to file a complaint she got a little upset as if frustrated with my question. Elizalde stated she wanted to file a complaint.

I asked if she wanted to file a complaint because in the past when she has complained and I have tried to help her she often forgives whoever she is upset with and minimizes the whole situation example her issue with Officer Victor

Perez. I asked what remedy she was seeking and she stated that she is tired of this shithole department and assholes like De Avila. She then said don't be surprised if you see a hole in the wall and I advised her that if she punched any walls she would be arrested for criminal mischief. I also advised her that she is not to engage anyone in a fight and she said, "I'm not going to fuck up my career for anyone, then they win." I told her I had to let her know that any criminal behavior will not be tolerated. This was told to her because once when she had issues with Vicotr Perez it looked like they were going to fight, but they didn't. Officer Elizalde said the next person who does something like this, "I will fuck them up, I fuck up their career." I believe she meant that she would file a complaint and also report it to EEOC.

10. Did Officer Elizalde have a complainant against an Officer? If so, who was the complaint against and what was her complaint?

I don't think she is fond of Officer De Avila and although she is friendlier with other officers on the shift she is very vocal when she thinks anyone isn't carrying their weight. Her complaint was that she thought it was inappropriate for De Avila to make that remark to her.

11. Did Officer Elizalde state why she was filing a complainant against Officer Jose De Avila #1986? Please explain. Elizalde used to remind me often that this department is trying to label her a racist and I think that is why she took offense to this remark.

12. Did Officer Elizalde make any type of threats when you spoke to her? If so, please explain. She made no threats to any named individual but when she was acting so offended she made remarks about punching a hole in the wall and I although it shouldn't be necessary to tell a grown individual not to do things I felt it had to b said. I wanted her to know that I would not tolerate any foolishness and wanted to let her know there was a certainly a consequence to her actions.

Did Officer Elizalde explain what outcome she was expecting from her complaint? Please explain. She wasn't really sure and Elizalde also said that this department knows of a place to put her but won't I asked where is that place and she didn't respond. In the past she has stated she would like to be a fleet manager for the station.

13. What did she mean when she said "don't be surprised if you see a hole in the wall"? I think she was trying to act like a tough guy. In the past she has acted like a tough guy but one time
14. In the Supervisor's log you created, you stated Officer Elizalde said "I will fuck them up, I'll fuck up their career." Did you ask what she meant by this statement? No, I took this to mean that she was sick and tired of arguing with various people for the past several years.
- If so, did she provide an answer? I don't think so.
 - Who was she directing this statement to? No named person, she was acting like a tough guy. I have seen her act like this before. She speaks loudly.
15. Did you have a witness present during your interaction with Officer Elizalde? If so, who? No.
16. Who was she referring to when she said "she was tired of this shithole department and assholes like De Avila"? No one in particular.
17. Did you conduct any type of investigation on this matter? No. I just did the Blue Team log and waited for whatever direction the Commander was going to make. I do not conduct investigations until authorized to generate a PID.
- If so, what was the outcome of your investigation? None.
 - Did you obtain a statement from Officer Elizalde? No.
 - What steps did advise Officer Elizalde take? I probably told her to let me know if any other incident came up, I advised I would be generating a Blue Team log on this issue.
18. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?
- A few days later I met with Officer De Avila he wanted to tell me what had happened and I said I already know. Anytime Officer De Avila made a supervisor mad he would self-report to me, he would always want to tell me before a

supervisor told me example once he was at a restaurant too long. And got chewed out by a sergeant. I advised that he must get along and a Blue Team Log was generated.

This whole incident may have faded away but last December Elizalde once told me no one (supervisors) try to help her when things happen. I told her not to say that about me because I always offer her the opportunity to file a formal complaint and when she was arguing with Officer Victor Perez then acting commander Ignacio Hernandez listened to her complaint.

19. Please identify any other persons who might have information relative to this investigation?

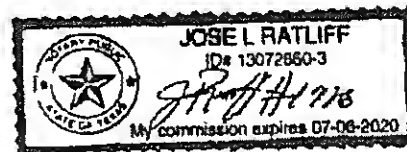
Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. Det. K. Diaz #2897 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Lucille Valenzuela (241)

Subscribed and sworn to before me, the undersigned authority, on this 5th day of October, 2016.

NOTARY PUBLIC STATE OF TEXAS



KD

Lt. Lucille Valenzuela #1241

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TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/16 BY: C1722

TO:

D Nathan



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Chief's office
ADDRESS: 911 N. Raynor, El Paso, TX 79903
PHONE: (915)212-4000

This statement is given to: Detective Karla Diaz #2897
of the El Paso Police Department Internal Affairs Division
by: Lt. Lucille Valenzuela #1241
Date & Time: 11/04/16 2300 hrs

My name is Lucille Valenzuela and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of October 21, 1988. I am currently assigned to the Central Regional Command Center. I have been informed that I am a witness in this administrative case. I understand and acknowledge, as indicated by my signature on this statement, the following:

- (a) Department policies, procedures, rules and/or regulations require that all employees will cooperate fully with the Internal Affairs Division during an administrative investigation.
- (b) Employees who withhold information from, or fail to cooperate with Internal Affairs or who fail to report misconduct of employees, are subject to disciplinary action. In the event that such occurs, my status as a witness will change and I will become an accused officer entitled to all applicable rights and privileges guaranteed under the relevant law, City of El Paso Civil Service Rules and Regulations as well as the contract between the City of El Paso and the EPMPOA.

I am providing the following administrative witness statement to Detective Diaz #2897 the El Paso Police Department Internal Affairs Division:

1. Having been given your previous statement, do you stand by your sworn statement given on 10/05/2016, which is attached as EX "A" to your statement dated today and incorporated herein as if set forth verbatim?
Yes. I don't understand what, "herein as if set forth verbatim, means." But I did review my first statement and stand by what I wrote.

- a. Did you review your sworn statements dated 10/05/16? Yes.

b. Are there any changes or clarifications to your sworn statement dated 10/05/2016? No.

2. What was if any, Officer Martina Elizalde #1817 response and/or reaction after you told her "that any criminal behavior would not be tolerated"? Specify

I told her that so that she understood that no bad conduct would be tolerated. I also told her so that later on if she did something, which I didn't think she actually would, no one would say to me why didn't you tell her not to do anything bad. This time she seemed frustrated with De Avila. If I believed there was a chance that any bad conduct was imminent this would have been addressed in a different manner. Answer: She was receptive and made a face like I'm not going to do anything. She sometimes was of few words.

3. What was your response to Officer Elizalde's comment "I will fuck them up, I'll fuck up their career"? Specify

I took it as her blowing off steam, it was not uncommon on that shift for her to quarrel or complain about a lot of people on the shift from them taking too long to go to a call to several other numerous complaints. This was in response to me telling her not to fight with anyone. The reason I mentioned that is when she was quarreling with Victor Perez last December she threw a piece of paper back at him I didn't know if they would fight. So as a precaution I told her not to engage anyone in a fight. I would like to make it clear that she never threaten to go fight anyone.

4. Did you ask her what she meant by this statement? Specify

I think she might of said she said she would report this, report this to a lawyer or EEOC. In the past she mentioned that she went to EEOC, I think that time she was talking about her quarrel with Victor Perez.

5. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation?

A lot of times Martina would not like things the other officers did and she would complain about it. Things as insignificant as the items in the patrol car trunks, she would throw out what she didn't want in the car and complain about it. I used to ask myself why is that such a big deal, but things like that were a big deal to her.

6. Please identify any other persons who might have information relative to this investigation.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. **FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.**

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE DIAZ #2897 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

[Signature] 12/11

Subscribed and sworn to before me, the undersigned authority, on this 5th day of November, 2016.

NOTARY PUBLIC STATE OF TEXAS

Witnesses:



[Signature]

KD2897

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DATE: 12/10/18 BY: C1722 TO: D Nathan



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, El Paso, TX 79903
PHONE #: (915) 212-4000

This statement is given to: Detective Aaron Martinez #2640
of the El Paso Police Department Internal Affairs Division
by: Officer Jose De Avila 1986
Date & Time: 10/21/2016 / 0920 hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

My name is Jose De Avila and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission/promotion of 03/19/1999. I am currently assigned to the Mission Valley Regional Command Center. I have been ordered to give an Administrative Statement to Detective Karla Diaz #2897 of the El Paso Police Department/Internal Affairs Division and address the following issues:

- You are the target of an administrative investigation under case number IA16-0224. You are being questioned as part of the administrative investigation under IA16-0224 by the Internal Affairs Division of the El Paso Police Department into potential violations of Department or City of El Paso policies, procedures, rules and/or regulations. Thus, the sworn statement you will provide is considered to be a sworn statement. Do you understand this?

Yes I understand.

- You are being ordered to answer questions specifically, directly and narrowly related to the performance of your official duties on or about May 24, 2016. Therefore, you are being given a direct order to disclose any and all information about the events at issue in administrative case IA16-0224. Do you understand this?

Yes, I do understand.

- This administrative statement is being compelled under direct order from Internal Affairs. Therefore, you are entitled to all applicable rights and privileges

KD2897

Officer Jose De Avila 1986

Page 1 of 6 JDA

guaranteed under the relevant laws of the United States and State of Texas as well as City of El Paso Civil Service Rules and Regulations, and the contract between the City of El Paso and the EPMPOA. Do you understand this?

Yes I understand.

- If you refuse to answer questions or give false or intentionally incomplete information, such can result in disciplinary action against you up to and including termination. Do you understand this?

Yes I understand.

- The matters under investigation in this administrative investigation are non-criminal in nature. Do you understand this?

Yes I understand.

- No answer given by you or evidence derived from the answer may be used against you in any criminal proceeding brought against you, except for perjury. Do you understand this?

Yes I understand.

- *Garrity* protection does not apply in the event that you commit perjury or obstruct justice in this investigation. Do you understand this?

Yes I understand.

- Anything you say during this administrative interview may be used against you in any subsequent Department charges. Do you understand this?

Yes I understand.

- You have the right to consult with a representative of the El Paso Municipal Police Officers Association (EPMPOA) and have him/her present during the interview only. Do you understand this?

Yes I understand.

1. After being informed of this right, I Jose De Avila have voluntarily opted not to have an EPMPOA representative present during the interview in administrative case IA16-0224.
2. The EPMPOA representative that was present during my interview was N/A.

- Do you have any questions concerning these rights that have been explained to you?

I do not have any questions.

1. Prior to this interview were you given the opportunity to view the station video from May 24, 2016 of the holding cell area?

Yes, Detective Diaz has shown me the video recording of the station.

2. On May 24, 2016, between 1600-1615 hours, you are observed in the station video at the holding cell area along with Officer Martina Elizalde #1814 and two G4S officers. Is this correct?

Yes, that is correct.

3. Please explain what was going on at the time you were on the counter area of the holding cells.

I had arrived to the MVRC from hooking after placing someone under arrest. I was there to end my shift and to turn in all the assigned equipment.

4. Did you engage in conversation with Officer Martina Elizalde #1817? If so, what was the nature of the conversation and what was said?

When I walked into the police station, I noticed that G4S officers were around the counter near the computer and arresting cells. I usually make small talk to them since they help us with the transportation of arrestees. They are friendly and usually make small talk. I began a conversation with them as I told them that I had dealt with a very uncooperative subject who was very vulgar during the time he was at MVRC. I quickly told them that the subject would have been a "handful" to take care of because of his obnoxious and unpleasant behavior. I did mention to them that they were kind of lucky, because they did not have to deal with my arrestee. The conversation was not meant to include officer Elizalde since she was typing

her own reports and was not facing me. I do recall that she turned around to say something and interrupt my conversation with the G4S officers.

5. While speaking with Officer Elizalde did you state something to the effect of, "No, he was acting like you, he hated Mexicans too" or similar words, when Officer Elizalde asked if the prisoner smelled? If so, why was this statement said.

After I was interrupted by officer Elizalde, I did tell her that the arrestee was acting like her. The reason I said that was because she was interrupting my conversation with the G4S officers. It should be noted that this is very similar to the way I came into contact with the arrestee -Matthew Polverari. Mr. Polverari interrupted my investigation when I was dealing with a different subject. The arrestee was originally not involved in my investigation as he interrupted me and began questioning my authority to be at that location. It turned out that after he insisted to be included in the investigation, Mr. Polverari had outstanding traffic warrants and was placed under arrest. I told officer Elizalde that she was acting like the subject because she had also interrupted a conversation that directed to include her.

I am mentioning Mr. Polverari, because at the time of the arrest, he continuously repeated that police were corrupt in this city and specifically of those of "Mexican" descent (directly referring to me). It should be noted that the arrestee continued to yell multiple remarks about Hispanics and how they should not be in this country. Mr. Polverari was directly making those comments at me because I am obviously a Hispanic/Mexican.

I did say that she was acting like the arrestee because she has a history of making derogatory remarks towards people of Hispanic descent-just like the arrestee. I did not tell her that she "hated" Mexicans, I said something to the effect of "was acting like you, who don't like Mexicans". It is evident that officer Elizalde has made multiple comments during shift meetings when

referring to anyone with a Hispanic background. I have heard her say unwelcomed comments like "if they don't speak English they shouldn't be in this country". I also find it very interesting that whenever she is checking people in channel 1, she only confirms the outstanding warrants of those with Hispanic names. I know that for some period, officer Elizalde would arrest drivers for minor infractions or with outstanding warrants and would turn them over to Border Patrol if they were undocumented. Officer Elizalde obviously has hostile feelings towards "Mexicans" and has made it clear in some of her comments and actions. I have learned to work with officer Elizalde and have always kept things in a professional manner.

6. Did you have a verbal argument of some type before or during your interaction with Officer Elizalde? If so, please explain.

I did not have a verbal argument with officer Elizalde. This was a very short encounter with her.

7. Did you do anything that may have caused Officer Elizalde become confrontational with you? If so, please explain.

I do not think that I did anything to cause her to become confrontational.

8. Did Officer Elizalde state, "I don't hate Mexicans I hate assholes like you, it's not my fault those assholes are Mexicans?" or similar words?

- a. If so, who was she referring to?

Yes, officer Elizalde did state "I don't have Mexicans, I hate assholes like you." As soon as she began using vulgar language, I knew that I had to stop and prevent this from escalating. I know that we should be working in a violence free environment and she was already too upset. I did feel offended by her offensive words, but knowing her for several years, I decided to just ignore her. People usually expect the male subject (in this case myself) to be

the aggressor in a conversation. After she used foul language, I opted to say nothing else in an attempt to stop the incident from getting worst. Officer Elizalde might have her own opinions about me and that's why probably called me an "asshole".

9. Did you advise a supervisor of the incident? If so, who did you advise? What did you advise them?

a. If not, why?

I did not advise a supervisor of the incident. There is no particular reason why I did not report this. It was later brought to my attention after returning to work by Lt. Valenzuela.

10. Do you have any other information to add that may not have been covered by any questions during the interview that is relevant or important to this investigation?

I do not have any other information.

11. Please identify any other persons who might have information relative to this investigation?

Officer Elizalde and the two G4s officers working that day (I do not know their complete names).

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

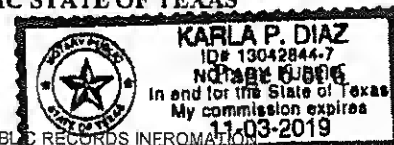
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE KARLA DIAZ #2897 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Subscribed and sworn to before me, the undersigned authority, on this 24 day of October, 2016.

KD2897

Officer Jose De Avila 1986

NOTARY PUBLIC STATE OF TEXAS



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EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN

COMPLAINANT: Chief's Office
ADDRESS: 911 N. Raynor, El Paso, TX 79903
PHONE #: (915)212-4000

This statement is given to: Detective Karla Diaz #2897
 of the El Paso Police Department Internal Affairs Division
 by: Officer Jose De Avila 1986
 Date & Time: 10/27/2016 / 0930 hours

EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM

My name is Jose De Avila and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission/promotion of 03/19/1999. I am currently assigned to the Mission Valley Regional Command Center. I have been ordered to give an Administrative Statement to Detective Karla Diaz #2897 of the El Paso Police Department/Internal Affairs Division and address the following issues:

- You are the target of an administrative investigation under case number **IA16-0224**. You are being questioned as part of the administrative investigation under IA16-0224 by the Internal Affairs Division of the El Paso Police Department into potential violations of Department or City of El Paso policies, procedures, rules and/or regulations. Thus, the sworn statement you will provide is considered to be a sworn statement. Do you understand this?
- You are being ordered to answer questions specifically, directly and narrowly related to the performance of your official duties on or about May 24, 2016. Therefore, you are being given a direct order to disclose any and all information about the events at issue in administrative case IA16-0224. Do you understand this?
- This administrative statement is being compelled under direct order from Internal Affairs. Therefore, you are entitled to all applicable rights and privileges guaranteed under the relevant laws of the United States and State of Texas as well

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Officer Jose De Avila 1986

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PUBLIC RECORDS INFORMATION
 ALL CASE ELEMENTS SUBJECT TO NONDISCLOSURE
 HAVE BEEN REMOVED IN ACCORDANCE WITH THE
 TEXAS PUBLIC INFORMATION ACT (TX GOVT. CODE CH. 552)

DATE: 12/10/18 BY: C1722 TO: D Nathan

- This administrative statement is being compelled under direct order from Internal Affairs. Therefore, you are entitled to all applicable rights and privileges guaranteed under the relevant laws of the United States and State of Texas as well as City of El Paso Civil Service Rules and Regulations, and the contract between the City of El Paso and the EPMPOA. Do you understand this?

Yes I understand.

- If you refuse to answer questions or give false or intentionally incomplete information, such can result in disciplinary action against you up to and including termination. Do you understand this?

Yes I understand.

- The matters under investigation in this administrative investigation are non-criminal in nature. Do you understand this?

Yes I understand.

- No answer given by you or evidence derived from the answer may be used against you in any criminal proceeding brought against you, except for perjury. Do you understand this?

Yes I understand.

- *Garrity* protection does not apply in the event that you commit perjury or obstruct justice in this investigation. Do you understand this?

Yes I understand.

- Anything you say during this administrative interview may be used against you in any subsequent Department charges. Do you understand this?

Yes I understand.

- You have the right to consult with a representative of the El Paso Municipal Police Officers Association (EPMPOA) and have him/her present during the interview only. Do you understand this?

1. After being informed of this right, I Jose De Avila have voluntarily opted not to have an EPMPOA representative present during the interview in administrative case IA16-0224.
2. The EPMPOA representative that was present during my interview was N/A.

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- Do you have any questions concerning these rights that have been explained to you?

I do not have any questions.

1. Having been given your previous statement, do you stand by your sworn statement given on 10/21/2016, which is attached as EX "A" to your statement dated today and incorporated herein as if set forth verbatim?

Yes, I stand by my statement.

- a. Did you review your sworn statements dated 10/21/16?

Yes, I reviewed my statement.

- h. Are there any changes or clarifications to your sworn statement dated 10/21/2016?

There are no changes to my sworn statement.

2. Prior to this interview were you given the opportunity to listen to the audio recording of your previous interview on October 21, 2016. Is this correct?

Yes, Detective Diaz played the audio recording.

3. On 10/21/16, You were asked on question #4 "Did you engage in conversation with Officer Martina Elizalde #1817? If so, what was the nature of the conversation and what was said? Is this correct?

The conversation that I started was not with Officer Elizalde initially. The conversation was between G4S officers and myself. It was never intended to include officer Elizalde, but after interrupted me, then that's when we exchanged statements. It was at that point and time that I told her that she was acting like my previous arrestee who interrupted me and also happen to dislike Mexicans.

4. Please explain how Officer Elizalde interrupted you.

Officer Elizalde turned around from her chair, faced me and began asking questions about the subject that I had arrested. I was talking to the G4S officers and was trying to explain to them the way he was behaving at the scene and at the station. The conversation was never intended to include her and I never asked her to comment or join the conversation. Officer Elizalde just began asking questions as if my conversation with G4S included her.

On the audio recording from 10-21-16, you stated you had heard Officer Elizalde saying "if they don't speak English, they shouldn't be in the United States". Is this correct?

- a. Who else was present when this was said?
- b. Does she usually make these type of statements?
- c. When does she state this comments?

Yes, I have heard officer Elizalde make that statement "if they don't speak English, they shouldn't be in the United States". I would like to clarify that she did not say that statement on that specific day. I have been at the Mission Valley for several years now (working on the same shift as officer Elizalde) and I did not write down the dates or the times when she has made those types of remarks. I know that I see her on shift meetings or whenever we are doing paperwork, but I cannot pinpoint the exact date, time or location when she made this comment. I brought up that statement to show how Officer Elizalde refers to Hispanics and to illustrate some of her beliefs. I wish that I could give a precise date for that incident, however, my focus is to come to work and do my job.